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Dr. WALTER GRAY HART BEQUEST

THE LAW REPORTS

1929–30

THE
PUBLIC GENERAL ACTS

Passed in
The Twentieth and Twenty-first Years of the
Reign of His Majesty

King George the Fifth

And the

Church Assembly Measures

Which received the Royal Assent during that Session
with

Tables of the Titles,
Effect of Legislation, Index, and
Index to the Local and Private Acts
passed during the Session

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TABLE I.

A
TABLE
OF
THE TITLES OF THE PUBLIC GENERAL ACTS

PASSED in the FIRST SESSION of the THIRTY-FIFTH PARLIAMENT of the UNITED KINGDOM of GREAT BRITAIN AND NORTHERN IRELAND.

(JUNE 25, 1929—AUGUST 1, 1930.)

20 & 21 GEORGE 5.—A.D. 1929–30.

20 GEORGE 5.

ROYAL ASSENT, 26TH JULY, 1929.

1. An Act to amend the law with respect to Customs in the Isle of Man. (*Isle of Man* (*Customs*).)

2. An Act to enable the superintendence, direction, or control of the military government of Aden to be transferred to and vested in such person or authority as His Majesty may, by Order in Council, direct; and for purposes consequential on the matters aforesaid. (*Government of India* (*Aden*).)

3. An Act to amend the Unemployment Insurance Acts, 1920 to 1929, with respect to the amount of the contribution to be paid under those Acts out of moneys provided by Parliament. (*Unemployment Insurance.*)

4. An Act to confirm and give effect to a certain agreement for interpreting and supplementing Article Ten of the Articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922. (*Irish Free State* (*Confirmation of Agreement*).)

5. An Act to authorise the making of advances for aiding and developing agriculture and industry in certain colonies and territories, to provide for the extension of the Colonial Stock Acts, 1877 to 1900, to stock forming part of the public debt of certain protected and mandated territories, and to amend the Palestine and East Africa Loans Act, 1926, and section eleven of the Trusts (Scotland) Act, 1921. (*Colonial Development.*)

6. An Act to amend the Housing Acts (Revision of Contributions) Order, 1928, made under section five of the Housing (Financial Provisions) Act, 1924, so far as it relates to houses in respect of which contributions are payable under section two of that Act. (*Housing* (*Revision of Contributions*).)

7. An Act to authorise the Treasury to guarantee certain loans to be raised in connection with public utility undertakings, and to authorise the giving of financial assistance in respect of expenditure incurred or loans raised for development works. (*Development* (*Loan Guarantees and Grants*).)

8. An Act to make further provision with respect to the construction of certain references to rateable value in enactments relating to the drainage and protection of land. (*Land Drainage.*)

ROYAL ASSENT, 6TH DECEMBER, 1929.

9. An Act to indemnify certain persons from any penal consequences which they may have incurred by sitting and voting as members of the Commons House of Parliament while holding the office of Under Secretary of State, and to render valid the election of such persons. (*Under Secretaries of State.*)

10. An Act to amend the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, section three of the Old Age Pensions Act, 1908, section three of the Old Age Pensions Act, 1919, and the enactments regulating the right to become a voluntary contributor under the National Health Insurance Acts, 1924 to 1928, and the mode of collecting contributions under those Acts, and to provide for the exclusion of payments on account of widows' or orphans' pensions in the assessment of damages under the Fatal Accidents Acts, 1846 to 1908. (*Widows', Orphans' and Old Age Contributory Pensions.*)

ROYAL ASSENT, 20TH DECEMBER, 1929.

11. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty. (*Consolidated Fund* (*No.* 1).)

12. An Act to continue certain expiring laws. (*Expiring Laws Continuance.*)

13. An Act to make provision with respect to an additional special grant for the purpose of improving medical service in the Highlands and Islands of Scotland. (*Highlands and Islands* (*Medical Service*) *Additional Grant.*)

ROYAL ASSENT, 6TH FEBRUARY, 1930.

14. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty. (*Consolidated Fund* (*No.* 2).)

15. An Act to give effect to a certain convention on the execution of Arbitral Awards and to amend subsection (1) of section one of the Arbitration Clauses (Protocol) Act, 1924. (*Arbitration* (*Foreign Awards*).)

16. An Act to amend the Unemployment Insurance Acts, 1920 to 1929. (*Unemployment Insurance.*)

ROYAL ASSENT, 20TH MARCH, 1930.

17. An Act to consolidate the enactments relating to the relief of the poor in England and Wales. (*Poor Law.*)

ROYAL ASSENT, 28TH MARCH, 1930.

18. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty and one thousand nine hundred and thirty-one. (*Consolidated Fund* (*No.* 3).)

ROYAL ASSENT, 15TH APRIL, 1930.

19. An Act to raise to fifty million pounds the limit on the amount of the advances by the Treasury to the Unemployment Fund which may be outstanding during the deficiency period. (*Unemployment Insurance* (*No.* 2).)

20. An Act to make further provision for the drainage of agricultural land in Scotland. (*Land Drainage* (*Scotland*).)

21. An Act to extend the Children (Employment Abroad) Act, 1913, to persons under the age of eighteen years. (*Children* (*Employment Abroad*).)

ROYAL ASSENT, 29TH APRIL, 1930.

22. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. (*Army and Air Force* (*Annual*).)

20 & 21 GEORGE 5.

Royal Assent, 10th July, 1930.

23. An Act to amend the Lunacy Acts, 1890 to 1922, and such of the provisions of the Mental Deficiency Acts, 1913 to 1927, as relate to the constitution and organisation of the work of the Board of Control, the exercise of the powers of the Board and the protection of persons putting those Acts into operation. (*Mental Treatment.*)

24. An Act to amend the law relating to the valuation for rating purposes of hereditaments occupied by railway companies and for purposes connected therewith. (*Railways* (*Valuation for Rating*).)

25. An Act to confer on third parties rights against insurers of third-party risks in the event of the insured becoming insolvent, and in certain other events. (*Third Parties* (*Rights against Insurers*).)

26. An Act to confirm and give effect to certain agreements entered into between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba, British Columbia, Alberta and Saskatchewan respectively. (*British North America.*)

Royal Assent, 1st August, 1930.

27. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-one, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

28. An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance. (*Finance.*)

29. An Act to extend section forty-seven of the Workmen's Compensation Act, 1925, to industries involving exposure to asbestos dust, and to amend the provisions of that section relating to medical arrangements and examinations. (*Workmen's Compensation* (*Silicosis and Asbestosis*).)

30. An Act to authorise the President of the Air Council to pay subsidies and furnish facilities to persons maintaining regular services for the carriage by air of passengers, goods and mails. (*Air Transport* (*Subsidy Agreements*).)

31. An Act to extend the periods during which guarantees may respectively be given and remain in force under the Overseas Trade Acts, 1920 to 1929. (*Overseas Trade.*)

32. An Act to make better provision for the defence of poor persons in criminal cases. (*Poor Prisoners' Defence.*)

33. An Act to amend the law as to the duration and recovery of aliment for, and the custody of, illegitimate children in Scotland, and for other purposes connected therewith. (*Illegitimate Children* (*Scotland*).)

34. An Act to provide for regulating and facilitating the production, supply and sale of coal by owners of coal mines; for the temporary amendment of section three of the Coal Mines Regulation Act, 1908; for the constitution and functions of a Coal Mines National Industrial Board; and for purposes connected with the matters aforesaid. (*Coal Mines.*)

35. An Act to provide for the compulsory closing of hairdressers' and barbers' shops on Sundays. (*Hairdressers' and Barbers' Shops* (*Sunday Closing*).)

36. An Act to enable education authorities in Scotland to incur expenditure in supplying milk to children attending schools within their area. (*Education* (*Scotland*).)

37. An Act to make provision for the adoption of children in Scotland. (*Adoption of Children* (*Scotland*).)

38. An Act to amend the Navy and Marines (Wills) Act, 1865. (*Navy and Marines* (*Wills*).)

39. An Act to make further and better provision with respect to the clearance or improvement of unhealthy areas, the repair or demolition of insanitary houses and the housing of persons of the working classes; to amend the Housing Act, 1925, the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and the other enactments relating to housing subsidies; and for purposes connected with the matters aforesaid. (*Housing.*)

40. An Act to make further and better provision with respect to the clearance or improvement of unhealthy areas, the repair, demolition or closing of insanitary houses and the housing of persons of the working classes in Scotland; to amend the Housing (Scotland) Act, 1925, the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and other enactments relating to housing subsidies; and for purposes connected with the matters aforesaid. (*Housing* (*Scotland*).)

41. An Act to provide for the payment of travelling expenses incurred by members of local fisheries committees constituted under the Sea Fisheries Regulation Act, 1888. (*Sea Fisheries Regulation* (*Expenses*).)

42. An Act to amend the law with respect to Customs in the Isle of Man. (*Isle of Man* (*Customs*).)

43. An Act to make provision for the regulation of traffic on roads and of motor vehicles and otherwise with respect to roads and vehicles thereon, to make provision for the protection of third parties against risks arising out of the use of motor vehicles and in connection with such protection to amend the Assurance Companies Act, 1909, to amend the law with respect to the powers of local authorities to provide public service vehicles, and for other purposes connected with the matters aforesaid. (*Road Traffic.*)

44. An Act to amend and consolidate the enactments relating to the drainage of land, and for purposes in connection with such amendment. (*Land Drainage.*)

45. An Act to establish a Court of Criminal Appeal in Northern Ireland and to amend the law relating to appeals in criminal cases in Northern Ireland. (*Criminal Appeal* (*Northern Ireland*).)

46. An Act to relieve the Principal Librarian of the British Museum of the care of the Natural History Departments of the Museum and from liability to enter into a bond for the due discharge of the duties of his office. (*British Museum.*)

47. An Act to raise to sixty million pounds the limit on the amount of the advances by the Treasury to the Unemployment Fund which may be outstanding during the deficiency period. (*Unemployment Insurance* (*No.* 3).)

48. An Act to enable effect to be given to a Treaty signed at London on behalf of His Majesty and certain other Powers and to repeal section four of the Treaties of Washington Act, 1922. (*London Naval Treaty.*)

49. An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. (*Public Works Loans.*)

50. An Act to expedite the procedure for empowering local authorities and statutory undertakers to execute works which will contribute to the relief of unemployment; to facilitate the acquisition by such authorities and undertakers of land and easements required for the purposes of their functions; and for purposes connected with the matters aforesaid. (*Public Works Facilities.*)

51. An Act to impose, in the interests of safety, precautions to be observed in the construction, alteration, and use of reservoirs, and to amend the law with respect to liability for damage and injury caused by the escape of water from reservoirs. (*Reservoirs* (*Safety Provisions*).)

THE

PUBLIC GENERAL STATUTES.

[20 Geo. 5.]

CHAPTER 1.

An Act to amend the law with respect to Customs in the Isle of Man. [26th July 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Repeal of tea duty.

1.—(1) The duty of customs chargeable on tea removed or imported into the Isle of Man shall cease to be charged, and accordingly the words "Tea - - the lb. 0 4" in section one of the Act of 1895 are hereby repealed.

58 & 59 Vict. c. 38.

(2) This section shall be deemed to have had effect as from the twenty-third day of April, nineteen hundred and twenty-nine.

Duty on sweets.

2.—(1) On and from the sixth day of June, nineteen hundred and twenty-nine, in lieu of the duty theretofore payable on sweets, there shall, until the first day of August, nineteen hundred and thirty, be payable on sweets removed or imported into the Isle of Man a duty of customs at the rate of one shilling for every gallon.

(2) In this section, the expression "sweets" means any liquor which is made in Great Britain or Northern Ireland from fruit and sugar, or from fruit or sugar mixed with any other material, and which has undergone a process of fermentation in the manufacture thereof,

and includes British wines, made wines, mead and metheglin.

Duties on hops and preparations, &c., made from hops. 15 & 16 Geo. 5. c. 56.

3. The duties of customs on hops, and extracts, essences and other similar preparations made from hops, removed or imported into the Isle of Man, imposed by section five of the Act of 1925, shall continue to be payable as from the first day of August, nineteen hundred and twenty-nine, until the first day of August, nineteen hundred and thirty:

Provided that as from the sixteenth day of August, nineteen hundred and twenty-nine, hop oil shall cease to be chargeable with duty as a preparation made from hops and in lieu thereof a duty of customs at the rate of twenty shillings for every ounce shall be payable on hop oil until the first day of August, nineteen hundred and thirty.

Continuation of certain duties.

4. The duties of customs set out in the first column of the following table, imposed on goods removed or imported into the Isle of Man by the respective enactments set out in the second column of that table, shall continue to be payable as from the first day of August, nineteen hundred and twenty-nine, until the first day of August, nineteen hundred and thirty:—

Table.

Duty.	Enactment imposing duty.
Additional duties on ale or beer -	Section 2 of the Act of 1925.
Duty on buttons - - -	Section 17 of the Act of 1928.
Duties on cinematograph films -	Section 6 of the Act of 1925 as amended by section 12 of the Act of 1927, and section 14 of the Act of 1928.
Duties on clocks and watches and component parts of clocks and watches.	Section 6 of the Act of 1925.
Duties on cocoa - - -	Section 4 of the Act of 1924.
Duty on cutlery - - - -	Section 14 of the Act of 1926.
Duty on gloves - - - -	Section 14 of the Act of 1926.
Duty on enamelled hollow-ware -	Section 17 of the Act of 1928.

18 & 19 Geo. 5. c. 38.

17 & 18 Geo. 5. c. 20.

14 & 15 Geo. 5. c. 24.

16 & 17 Geo. 5. c. 27.

Duty.	Enactment imposing duty.	
Duty on lace - -	Section 9 of the Act of 1925 as amended by section 10 of the Act of 1926 and section 10 of the Act of 1927.	
Duties on mantles for incandescent lighting.	Section 14 of the Act of 1926.	
Duties on matches - - -	Section 7 of the Act of 1927.	
Duty on mechanical lighters, and component parts of mechanical lighters.	Section 8 of the Act of 1928.	
Duties on motor cars, including motor bicyles and motor tricycles, and their accessories and component parts.	Section 6 of the Act of 1925 as amended by section 6 of the Act of 1926 and section 11 of the Act of 1927.	
Duties on :— (*a*) musical instruments, including gramophones, pianolas, and other similar instruments; (*b*) accessories and component parts of musical instruments, and records and other means of reproducing music.	Section 6 of the Act of 1925.	
Duty on translucent or vitrified pottery.	Section 14 of the Act of 1927.	
Duties on silk or artificial silk -	Section 7 of the Act of 1925 as amended by section 8 of the Act of 1926.	
Additional duties on spirits -	Section 3 of the Act of 1921 as amended by section 3 of the Act of 1926.	11 & 12 Geo. 5. c. 40.
Duties on tobacco - - -	Section 6 of the Act of 1927.	
Duties on wines - - - -	Section 1 of the Act of 1927.	

5.—(1) In this Act a reference to an Act of any year shall be deemed to be a reference to the Isle of Man (Customs) Act of that year. Interpretation and short title.

(2) This Act may be cited as the Isle of Man (Customs) Act, 1929.

CHAPTER 2.

An Act to enable the superintendence, direction, or control of the military government of Aden to be transferred to and vested in such person or authority as His Majesty may, by Order in Council, direct; and for purposes consequential on the matters aforesaid. [26th July 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 33 of the Government of India Act.

1. At the end of section thirty-three of the Government of India Act there shall be inserted the following provisions:—

"Provided that His Majesty may by Order in Council transfer to and vest in such person or authority as may be specified in the Order, the superintendence, direction or control of the military government of Aden; and any such Order may contain such supplementary provisions as may be necessary for giving effect thereto and may be varied or revoked by any subsequent Order in Council made in like manner.

(2) Any Order in Council which may be made in pursuance of the powers conferred on His Majesty by this section shall be laid before both Houses of Parliament as soon as may be after it has been made, and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the Order in Council is laid before it, praying that such Order in Council may be annulled, His Majesty in Council may annul such Order, and such Order shall thenceforth be void but without prejudice to the validity of anything previously done thereunder.

(3) In this section the expression 'Aden' includes any dependencies of Aden whereof the military government is under the superintendence, direction or control of the Governor-General in Council."

2.—(1) This Act may be cited as the Government of India (Aden) Act, 1929.

Short title, construction and printing.

(2) Subsection (2) of section forty-five of the Government of India Act, 1919 (which relates to the effect of amendments to and the printing of the Government of India Act) shall have effect as if it were herein re-enacted and in terms made applicable to the amendments effected by this Act.

9 & 10 Geo. 5. c. 101.

CHAPTER 3.

An Act to amend the Unemployment Insurance Acts, 1920 to 1929, with respect to the amount of the contribution to be paid under those Acts out of moneys provided by Parliament.

[26th July 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. As from the first day of April, nineteen hundred and twenty-nine, the contribution payable under the Unemployment Insurance Acts, 1920 to 1929, out of moneys provided by Parliament shall be at a rate equal to one half of the aggregate amount of the contributions paid in respect of the employed person by himself and his employer or, in the case of an exempt person, paid by his employer.

Amount of State contribution.

2.—(1) This Act may be cited as the Unemployment Insurance Act, 1929, and shall be included among the Acts which may be cited together as the Unemployment Insurance Acts, 1920 to 1929.

Short title, extent and repeal.

(2) This Act shall not extend to Northern Ireland.

15 & 16 Geo. 5. c. 69. (3) In subsection (2) of section four of the Unemployment Insurance Act, 1925, the words from "the contribution to be made" to the words "have effect accordingly and," section eight of and the Second 16 & 17 Geo. 5. c. 9. Schedule to the Economy (Miscellaneous Provisions) Act, 1926, and paragraph (*b*) of subsection (1) of section two 17 & 18 Geo. 5. c. 30. of and the Second Schedule to the Unemployment Insurance Act, 1927, shall be repealed as from the first day of April, nineteen hundred and twenty-nine.

CHAPTER 4.

An Act to confirm and give effect to a certain agreement for interpreting and supplementing Article Ten of the Articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922. [26th July 1929.]

WHEREAS His Majesty's Government in the United Kingdom and His Majesty's Government in the Irish Free State have entered into the agreement set forth in the Schedule to this Act being an agreement for interpreting and supplementing Article Ten of the Articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922:

And whereas by Article 14 of the said agreement it is provided that the said Governments respectively shall, as soon as possible, introduce into their respective Parliaments such legislation as may be necessary to give statutory effect to the said agreement and that the said agreement shall not take effect until such legislation in such Parliaments has been passed into law:

And whereas it is expedient that the said agreement should be confirmed and that provision shall be made for the payment out of the Exchequer of the United

Kingdom of such sums as are, in pursuance of the said agreement, to be paid by His Majesty's Government in the United Kingdom:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of agreement and provision of money.

1.—(1) The agreement set forth in the Schedule to this Act is hereby confirmed and the said Articles of Agreement for a Treaty, and the Irish Free State (Agreement) Act, 1922, shall have effect accordingly.

12 Geo. 5. c. 4.

(2) Any sums payable in pursuance of the said agreement by His Majesty's Government in the United Kingdom to His Majesty's Government in the Irish Free State shall be defrayed out of moneys to be provided by Parliament.

Short title and commencement.

2.—(1) This Act may be cited as the Irish Free State (Confirmation of Agreement) Act, 1929.

(2) This Act shall come into operation on the date on which the said agreement is confirmed by Act of the Parliament of the Irish Free State or, if such an Act is passed before the passing of this Act, shall come into operation on the passing of this Act.

SCHEDULE.

AGREEMENT made between His Majesty's Government in the United Kingdom and His Majesty's Government in the Irish Free State for Interpreting and Supplementing Article Ten of the Articles of Agreement for a Treaty between Great Britain and Ireland to which the Force of Law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922.

1. Article 10 of the Articles of Agreement for a Treaty between Great Britain and Ireland signed at London on the 6th day of December 1921, and confirmed and ratified by the Irish

Free State (Agreement) Act, 1922, and the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922, shall be construed with reference to this Agreement, and the said Article 10 shall have effect and be deemed always to have had effect accordingly.

2. In this Agreement the expression "transferred officer" includes every official, civil servant, or other public servant who by virtue of any transfer of services has been transferred from the service of the Government of the late United Kingdom of Great Britain and Ireland to the service of the Provisional Government or the service of the Government of the Irish Free State or has heretofore been or shall hereafter be transferred from the service of the Government of the United Kingdom of Great Britain and Northern Ireland to the service of the Government of the Irish Free State, but does not include any member of a police force nor any person whose services were lent by the Government of the said late United Kingdom to the Provisional Government.

3. Where the Minister for Finance of the Irish Free State has, before the date of this Agreement and in accordance with a recommendation, whether general or particular, made to him by a committee set up by him to advise him as to the payment of compensation under the said Article 10, granted or refused to grant compensation under the said Article 10 to a person claiming to be a transferred officer, such grant and the award made thereon (but subject as respects cost of living bonus to the terms of this Agreement) or such refusal (as the case may be) shall be and be deemed always to have been a final and conclusive determination of the claim of such person for such compensation and such person shall be entitled accordingly to such compensation or to no compensation as the case may be.

4. There shall be established in the Irish Free State in the manner prescribed by legislation to be passed for that purpose by the Oireachtas of the Irish Free State a board (hereinafter called the Board) to hear and determine every claim pending at the date of this Agreement or hereafter to be made by any person claiming to be a transferred officer for compensation under the said Article 10 and to hear and determine every other matter which shall be referred to them in pursuance of this Agreement.

5. The Board shall have exclusive jurisdiction to determine the right of any person claiming to be a transferred officer to compensation under the said Article 10 and the amount of such compensation (if any) and all matters incidental to such determination, and the Board may for the purpose of such determination take into consideration in relation to any transferred officer any matter which the Civil Service Committee mentioned in section 56 of the Government of Ireland Act, 1920, might

under that Act have taken into consideration when considering a claim by such person for compensation under that Act, and every such determination by the Board shall be a final and conclusive determination of the claim of such person to compensation under the said Article 10.

6. The amount of compensation payable under the said Article 10 to a transferred officer who is found by the Board to be entitled to such compensation shall be determined by the Board in accordance with the Rules set out in the Schedule to this Agreement.

7. Where the Minister for Finance of the Irish Free State has before the date of this Agreement granted or refused to grant compensation under the said Article 10 to a person claiming to be a transferred officer, every dispute which shall hereafter arise between the said Minister and such person in relation to such grant or refusal or (in the case of a grant) the compensation granted and, in particular, every dispute which shall so arise as to whether such grant or refusal is or is not, by virtue of this Agreement, a final and conclusive determination of the claim of such person for such compensation shall be referred to and decided by the Board, and the decision of the Board thereon shall be final and conclusive.

8. Provision shall be made by legislation, to be passed by the Oireachtas of the Irish Free State, for enabling a transferred officer who is required to perform duties which are not analogous and are an unreasonable addition to his duties at the time of his transfer, or whose position has been materially altered to his detriment owing to changes in the conditions of his employment, to retire from the service of the Government of the Irish Free State with the same right to compensation as if he had been discharged by the said Government within the meaning of the said Article 10 and for the determination by the Board of any dispute as to the right of a transferred officer so to retire.

9. Notice by a transferred officer of his desire to retire from the service of the Irish Free State in consequence of the change of Government within the meaning of the said Article 10 may be given at any time up to, but not after, the 5th day of December 1929, or, in the case of a transferred officer who is transferred to such service after the 5th day of December 1928, within one year after the date of such transfer.

10. Where a transferred officer has received or hereafter receives promotion (whether by way of increase of salary or by appointment to another grade or situation) in the employment of the Provisional Government of Ireland or in the employment of the Government of the Irish Free State, any compensation to which he has become or hereafter becomes entitled under the said Article 10 shall (save in the cases provided for in the next

following paragraph of this Agreement) be computed by reference to the salary and emoluments of the grade or situation which he held immediately before he received such promotion or the first of two or more such promotions and as if he had continued in that office or situation.

11. Where a transferred officer in the service of the Provisional Government of Ireland or the service of the Government of the Irish Free State has received or hereafter receives promotion (whether by way of increase of salary or by appointment to another grade or situation, but not including acting-promotion) in either of those services, and such promotion was or is in the customary course of promotion in or from the grade or situation which he held at the time of his transfer to the said service and was or is otherwise promotion such as he would normally (at the time he was so promoted) have received in or from the last-mentioned grade or situation if the change of government mentioned in the said Article 10 had not taken place (whether such promotion was or is received in or to a department which was, or in or to a department which was not in existence at the time of such change of government), any compensation to which he has become or hereafter becomes entitled under the said Article 10 shall be computed by reference to the salary and emoluments of the grade or situation held by him immediately after such promotion or the latest of two or more consecutive such promotions.

12. The Oireachtas of the Irish Free State may provide by legislation that when and so long as a transferred officer in receipt of compensation under the said Article 10 is employed in any situation in a public department in Great Britain, the Irish Free State or Northern Ireland, such compensation may be suspended wholly where his remuneration in such situation equals or exceeds his remuneration in the office on account of retirement or discharge from which such compensation was granted, and in any other case to such extent as will render the total of such compensation and his remuneration in such situation equal to his remuneration in the office on account of retirement or discharge from which such compensation was granted.

In this paragraph the expression "situation in a public department" includes—

(*a*) any situation which is remunerated wholly or partly out of moneys (other than a single grant or occasional grants not renewed from year to year) provided by the Oireachtas of the Irish Free State or by the Parliament of the United Kingdom of Great Britain and Northern Ireland or by the Parliament of Northern Ireland; and

(*b*) any situation in Great Britain, the Irish Free State or Northern Ireland which is a public office within the meaning of the Superannuation Act, 1892, or any enactment amending the same; and

(*c*) any situation in or under or as a paid member of the Currency Commission, the Electricity Supply Board, or the Agricultural Credit Corporation, Limited; and

(*d*) any situation in or under or as a paid member of a board or body established by or under the authority of an Act of the Oireachtas, passed after the date of this Agreement, which the Minister for Finance of the Irish Free State shall by order declare to be a public department for the purposes of this paragraph.

13. His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland agree to pay to His Majesty's Government in the Irish Free State the amount by which the compensation payable in accordance with this Agreement to transferred officers who have given notice, before the 1st day of March 1929, of their desire to retire under the said Article 10 from the service of the Government of the Irish Free State, or have been discharged before that date from the service of the said Government, exceeds the sum to which such compensation would amount if the same were calculated in the manner prescribed by this Agreement in respect of compensation payable to transferred officers who give notice on or after the 1st day of March 1929, of their desire so to retire from the said service or are discharged on or after that date from the said service.

14. His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and His Majesty's Government in the Irish Free State respectively shall as soon as possible introduce into their respective Parliaments such legislation as may be necessary to give statutory effect to this Agreement, and this Agreement shall not take effect until such legislation in such Parliaments shall have been passed into law.

Dated this 27th day of June, 1929.

Signed on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.	Signed on behalf of His Majesty's Government in the Irish Free State.
PHILIP SNOWDEN.	EARNAN DE BLAGHD.
SIDNEY WEBB.	P. McGILLIGAN.

SCHEDULE to the foregoing Agreement.

1. In the case of a transferred officer to whom the Eighth Schedule to the Government of Ireland Act, 1920, would apply if the compensation were being calculated under that Act, the compensation shall, subject to the provisions of this Schedule, be calculated in accordance with the Rules contained in the said Eighth Schedule, and for the purposes of such calculation—

(*a*) the Rules contained under Head A of Part I. of the said Rules shall apply to retirement in consequence of the change of Government within the meaning of the said Article 10,

(*b*) the Rules contained under Head B of Part I. of the said Rules shall apply to discharge by the Government of the Irish Free State within the meaning of the said Article 10,

(*c*) the transitional period referred to in the said Rules shall be deemed to end on the 5th day of December 1929, save that, in the case of officers who are transferred to the service of the Government of the Irish Free State after the 5th day of December 1929, the transitional period shall be deemed to end at the expiration of one year after the date of such transfer, and

(*d*) where a transferred officer (not being an officer transferred to the service of the Government of the Irish Free State after the 5th day of December 1928) who has duly given notice on or before the 5th day of December 1928, of his desire to retire from the said service in consequence of the change of Government within the meaning of the said Article 10 continues in the service of the Government of the Irish Free State after the 5th day of December 1929, the period between that date and the actual date of retirement of such officer shall be reckoned in calculating his years of service, but increments of salary accruing to him after the said 5th day of December 1929, shall not be taken into account in calculating the compensation payable to him.

2. In the case of a transferred officer to whom section 54 of the Government of Ireland Act, 1920, or any subsection thereof would apply if the compensation were being calculated under that Act, the compensation payable to such officer shall be of such character and amount as the Board shall think proper having regard to all the circumstances of the case and, in particular, having regard to any limitation which would apply to such compensation by virtue of the said section 54 if such compensation were being calculated under the said Act.

3. In the case of a transferred officer to whom none of the foregoing Rules apply, the compensation payable to such officer shall be of such character and amount as the Board shall think proper having regard to all the circumstances of the case.

4. The following provisions shall apply to that portion (if any) of the compensation payable to a transferred officer under the said Article 10 which consists of an annual allowance computed on cost of living bonus on the Civil Service sliding scale, that is to say—

(*a*) the said annual allowance shall be computed by reference to a standard rate based upon the bonus appropriate on the Civil Service sliding scale to a cost of living figure of 105, this standard rate being increased or reduced, as the case may be, by one twenty-first for each complete 5 points by which the index figure appropriate to the quarter in which the officer retires (or if he retires on the last day of the quarter to the ensuing quarter) exceeds or falls short of the said index figure of 105;

(*b*) the annual allowance so computed shall (subject to the limitation hereinafter mentioned where the same applies) be re-assessed quarterly on the above basis by reference to the official cost of living index figure for the Irish Free State appropriate to each quarter;

(*c*) the said quarterly re-assessments of the said annual allowance shall be made on fixed quarterly dates, which shall be the same for all such annual allowances, and the first such quarterly re-assessment of any particular such annual allowance shall take place on whichever of the said fixed quarterly days first occurs after the commencement of such annual allowance;

(*d*) in the case of a transferred officer who gave or shall give notice on or after the 1st day of March 1929, of his desire to retire from the service of the Government of the Irish Free State, or has been or shall be discharged on or after that date from the service of the said Government, the said annual allowance shall not at at any time exceed the amount at which it would be calculated if it were computed by reference to the cost of living index figure on which the cost of living bonus paid to such officer immediately before his discharge or retirement was computed.

5. That portion (if any) of the compensation payable to a transferred officer under the said Article 10, which consists of a gratuity calculated according to the provisions of section 6 of the Superannuation Act, 1859, or of an additional allowance or lump sum calculated according to the provisions of the

Superannuation Act, 1909, shall, in so far as the same is computed by reference to cost of living bonus, be computed—

(*a*) in the case of a transferred officer who gave notice before the 1st day of March 1929, of his desire to retire from the service of the Government of the Irish Free State, or was discharged before that date from the service of the said Government, on the full amount of the cost of living bonus, computed by reference to the official cost of living index figure for the Irish Free State for the time being in force, appropriate on the civil service sliding scale to the salary of such officer on which such gratuity, additional allowance or lump sum is calculated, and

(*b*) in the case of a transferred officer who gave or shall give notice on or after the 1st day of March 1929, of his desire to retire from the service of the Government of the Irish Free State, or has been or shall be discharged on or after that date from the service of the said Government, on seventy-five per cent. of the cost of living bonus which, if computed by reference to the official cost of living index figure for the Irish Free State appropriate to the quarter in which the officer retires, would be appropriate on the civil service sliding scale to the salary of such officer on which such gratuity, additional allowance or lump sum is calculated.

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CHAPTER 5.

An Act to authorise the making of advances for aiding and developing agriculture and industry in certain colonies and territories, to provide for the extension of the Colonial Stock Acts, 1877 to 1900, to stock forming part of the public debt of certain protected and mandated territories, and to amend the Palestine and East Africa Loans Act, 1926, and section eleven of the Trusts (Scotland) Act, 1921.

[26th July 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Power to make advances for the purposes of colonial development.

1.—(1) The Treasury, with the concurrence of the Secretary of State for the Colonies and on the recommendation of the committee to be appointed for the purposes of this Act, may make advances to the Government of any colony or of any territory to which this section applies, for the purpose of aiding and developing agriculture and industry in the colony or territory, and thereby promoting commerce with or industry in the United Kingdom, by any of the following means:—

(*a*) Encouraging the adoption of improved machinery and equipment for cultivation and for the preparation of agricultural produce for the market:

(*b*) The improvement of internal transport and communications and the provision of equipment therefor:

(*c*) The construction and improvement of harbours and the provision of equipment therefor:

(*d*) The development and improvement of fisheries:

(*e*) Forestry:

(*f*) Surveys:

(*g*) The reclamation, drainage and irrigation of land:

(*h*) Promoting the discovery and improvement of water supplies and the development of water power:

(*i*) The production, distribution and supply of electricity:

(*k*) Promoting the development of mineral resources:

(*l*) The promotion of scientific research, instruction and experiments in the science, methods and practice of agriculture and industry, the organisation of co-operation, and instruction in the growing and marketing of produce:

(*m*) The promotion of public health:

(*n*) Assisting the Government of the colony or territory in defraying in whole or in part, during a period not exceeding ten years from the raising of the loan, the interest payable by the

Government on any loan raised after this section comes into operation for any purpose for which an advance might have been made under this section, including any loan raised under the Palestine and East Africa Loans Act, 1926:

16 & 17 Geo. 5. c. 62.

(*o*) Any other means which appear calculated to achieve the purpose aforesaid.

(2) Advances under this section may, subject as hereinafter provided, be made either by way of grant or by way of loan, or partly in one way and partly in the other, and on such terms and subject to such conditions as the Treasury may think fit, and may be applied by the Government to which they are made either directly or through any person or body of persons:

Provided that the Secretary of State—

(*a*) shall satisfy himself that fair conditions of labour will be observed in the execution of all works the cost of which is to be defrayed in whole or in part out of an advance, and in particular—

(i) that the wages paid will be at not less than the standard rates; and

(ii) that no forced labour and no children under such age as may be appropriate in the circumstances but not in any case being less than twelve years will be employed on the works; and

(*b*) shall take into account the desirability of securing, so far as possible, that the colony or territory in respect of which an advance is made shall participate in any increase in values directly attributable to the advance.

(3) For the purposes of this section there shall be paid out of moneys provided by Parliament such sums, not exceeding one million pounds in any one year, as Parliament may from time to time determine.

(4) All sums issued on account of moneys provided by Parliament under this section shall be paid into a fund to be called "The Colonial Development Fund," and all advances made under this section shall be made out of that fund.

(5) The Treasury shall cause an account to be prepared and transmitted to the Comptroller and Auditor-General for examination, on or before the thirtieth day of September in every year, showing the receipts into and issues out of the Colonial Development Fund in the financial year ended on the thirty-first day of March preceding, and the Comptroller and Auditor-General shall certify and report upon the same, and such account and report shall be laid before Parliament by the Treasury on or before the thirty-first day of January in the following year if Parliament is then sitting, and, if Parliament is not then sitting, then within one week after Parliament is next assembled.

(6) Payments into and out of the Colonial Development Fund shall be made, and all other matters relating to the fund and the moneys standing to the credit of the fund shall be regulated, in such manner as the Treasury may direct.

(7) The Treasury may from time to time invest any money standing to the credit of the Colonial Development Fund in any Government securities.

(8) Any sums received by the Treasury by way of interest on or repayment of any advance made by way of loan under this section shall be paid into the Exchequer.

(9) The Secretary of State may, with the approval of the Treasury, make regulations prescribing the manner in which applications for advances under this section are to be made.

(10) The territories to which this section applies are territories which are under His Majesty's protection and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.

(11) In this section the expression " colony " means a colony not possessing responsible Government.

Appointment of committee, and expenses.

2.—(1) The committee for the purposes of this Act shall be appointed by the Secretary of State for the Colonies subject to the approval of the Treasury.

(2) Any expenses incurred by the said Secretary of State in connection with the said committee shall, up to

an amount approved by the Treasury, be paid out of moneys provided by Parliament.

Power to extend Colonial Stock Acts to stock of territories under His Majesty's protection and of certain mandated territories.

3.—(1) His Majesty may, if a representation is made to him by the Treasury and the Secretary of State that it is desirable so to do, make an Order in Council directing that the Colonial Stock Acts, 1877 to 1900, shall be extended, subject to such modifications and to such conditions as may appear expedient to His Majesty, so as to apply to stock issued after the passing of this Act and forming part of the public debt of any territory specified in the Order which is under His Majesty's protection or in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.

(2) Before any Order in Council is made under this section, the draft of the Order shall be laid before each House of Parliament, and if either House, within the next subsequent twenty days on which that House has sat next after the draft is laid before it, resolves that an Address be presented to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new draft Order.

11 & 12 Geo. 5. c. 58. 63 & 64 Vict. c. 62.

(3) The expression "colonial stock" in section eleven of the Trusts (Scotland) Act, 1921, shall include any stock to which section two of the Colonial Stock Act, 1900, applies by virtue of an Order in Council made under this section.

Amendment of 16 & 17 Geo. 5. c. 62.

4. The Palestine and East Africa Loans Act, 1926, shall have effect in relation to any loan raised thereunder after the commencement of this Act by the Governments of Kenya, Uganda, Northern Rhodesia, Nyasaland or Tanganyika as if—

(*a*) there were included under each of the heads 1, 2 and 3 in the Second Schedule to the said Act the purpose of paying (during such period, not exceeding five years from the date on which the loan is actually raised, as may be determined by the Secretary of State with the approval of the Treasury) interest on so much of the said loan as is to be applied under that head;

(*b*) in paragraph (*b*) of subsection (2) of section one of the said Act a period not exceeding sixty years were substituted for a period not exceeding forty years.

5. This Act may be cited as the Colonial Development Act, 1929. Short title.

CHAPTER 6.

An Act to amend the Housing Acts (Revision of Contributions) Order, 1928, made under section five of the Housing (Financial Provisions) Act, 1924, so far as it relates to houses in respect of which contributions are payable under section two of that Act. [26th July 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of the Housing Acts (Revision of Contributions) Order, 1928. 14 & 15 Geo. 5. c. 35.

1. The Housing Acts (Revision of Contributions) Order, 1928, made under section five of the Housing (Financial Provisions) Act, 1924, shall have effect, and shall be deemed always to have had effect, as if it had contained the provisions set out in Part I of the Schedule to this Act (being provisions similar to certain provisions contained in the Housing Acts (Revision of Contributions) Order, 1926), instead of the provisions set out in Part II of the Schedule to this Act.

2. This Act may be cited as the Housing (Revision of Contributions) Act, 1929. Short title.

SCHEDULE.

Part I.

Provisions to be substituted for the Provisions set out in Part II of this Schedule.

4. So far as respects houses in England and Wales which have not been completed before the first day of October, nineteen hundred and twenty-nine, the contributions provided by the Minister under section two of the Act of 1924 in the case of houses which are subject to special conditions shall be the same as in the case of houses completed between the thirtieth day of September, nineteen hundred and twenty-seven, and the first day of October, nineteen hundred and twenty-nine, that is to say, a contribution of seven pounds ten shillings, or, if the house is situated in an agricultural parish, eleven pounds, payable annually for a period of forty years.

5. In regard to houses in respect of which the contribution fixed by the last preceding Article is payable :—

(*a*) For the purpose of determining whether proposals submitted to the Minister involve a reduction in the estimated annual expenses to be incurred so as to entitle the Minister to reduce the contribution, there shall be substituted for the sum of four pounds ten shillings mentioned in the second proviso to subsection (1) of section two of the Act of 1924 the sum of three pounds fifteen shillings.

(*b*) For the purpose of the determination of the rents of houses in respect of which the contribution is payable, there shall be substituted for the sum of four pounds ten shillings mentioned in subsection (1) of section three of the Act of 1924 the sum of three pounds fifteen shillings.

(*c*) In the application of the special conditions to which the houses are to be subject, there shall be substituted for the sum of three pounds mentioned in paragraph (*c*) of subsection (1) and paragraph (*c*) of subsection (2) of section three of the Act of 1924 the sum of three pounds ten shillings, and for the sum of six pounds ten shillings mentioned in the last-mentioned paragraphs the sum of seven pounds.

6.—(1) So far as relates to houses in respect of which the contribution fixed by Article 4 of this Order is payable, there shall be substituted as the sum by which the London County Council may supplement the contribution made by the Minister in subsection (5) of section two of the Act of 1924, for the words "not exceeding two pounds five shillings" the words "not exceeding one pound seventeen shillings and sixpence."

PART II.

PROVISIONS IN ORDER OF 1928 TO BE REPLACED BY PROVISIONS IN PART I OF THIS SCHEDULE.

4. So far as respects houses which have not been completed before the first day of October, nineteen hundred and twenty-nine, the contributions provided by the Minister or the Board under section two of the Act of 1924 in the case of houses which are subject to special conditions shall, instead of being a contribution of nine pounds, or, if the house is situated in an agricultural parish, twelve pounds ten shillings, payable annually for a period of forty years, be a contribution of six pounds, or in the case of Scotland seven pounds ten shillings, or, if the house is situated in an agricultural parish, nine pounds ten shillings, or in the case of Scotland, eleven pounds, payable annually for a period of forty years.

5. In regard to houses in respect of which the contributions fixed by the last preceding Article are payable—

(*a*) For the purpose of determining whether proposals submitted to the Minister or Board involve a reduction in the estimated annual expenses to be incurred so as to entitle the Minister or Board to reduce the contribution, there shall be substituted for the sum of four pounds ten shillings mentioned in the second proviso to subsection (1) of section two of the Act of 1924, the sum of three pounds, or in the case of Scotland the sum of three pounds fifteen shillings.

(*b*) For the purpose of the determination of the rents of houses in respect of which contributions are payable, there shall be substituted for the sum of four pounds ten shillings mentioned in subsection (1) of section three of the Act of 1924, the sum of three pounds, or in the case of Scotland the sum of three pounds fifteen shillings.

(*c*) In the application of the special conditions to which the houses are to be subject, there shall be substituted for the sum of three pounds mentioned in paragraph (*c*) of subsection (1) and paragraph (*c*) of subsection (2) of section three of the Act of 1924, the sum of six pounds, or in the case of Scotland the sum of three pounds ten shillings, and for the sum of six pounds ten shillings mentioned in the last-mentioned paragraphs the sum of nine pounds ten shillings, or in the case of Scotland the sum of seven pounds.

6.—(1) So far as relates to houses in respect of which reduced contributions are payable by virtue of this Order, there shall be substituted as the sum by which the London County Council may supplement the contributions made by the Minister in subsection (5) of section two of the Act of 1924, for the words "not exceeding two pounds five shillings" the words "not exceeding one pound ten shillings," and the said section shall have effect accordingly.

CHAPTER 7.

An Act to authorise the Treasury to guarantee certain loans to be raised in connection with public utility undertakings, and to authorise the giving of financial assistance in respect of expenditure incurred or loans raised for development works. [26th July 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Guarantee of and Grants in respect of Interest Charges on Development Loans.

Power of Treasury to guarantee loans.

1.—(1) The Treasury may, subject to the provisions of this Part of this Act and after consultation with a committee appointed by the Treasury for the purposes of this Part of this Act, guarantee in such manner and form and on such conditions as they think fit the payment of the principal of and interest on, or of either the principal of or interest on, any loan to be raised and applied for the purpose of meeting capital expenditure

Part I.—*cont.*

to be incurred under a scheme for development, reconstruction or re-equipment in connection with a public utility undertaking in Great Britain:

Provided that the aggregate capital amount of the loans in respect of which guarantees are given under this section shall not exceed an amount sufficient to raise the sum of twenty-five million pounds.

For the purposes of this subsection, a loan shall be deemed to be a loan to be raised and applied for the purpose of meeting capital expenditure notwithstanding that the proceeds of the loan may be applicable in part towards payment of interest on the loan during a period not exceeding five years from the date on which the loan is raised.

(2) A guarantee shall not be given under this section unless the Treasury, after consultation with the said committee, are satisfied that there is security for the due payment of the interest on and for the repayment of the principal of the loan, and the Treasury, in considering whether such a guarantee ought to be given, shall have regard to the extent to which the application of the proceeds of the loan in the manner proposed is calculated to promote employment in the United Kingdom, and to the probability or not of the scheme in question not being proceeded with in the near future if a guarantee in respect of the required loan is not given under this section.

(3) Such sums as may from time to time be required by the Treasury for fulfilling any guarantees given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by way of repayment of any sum so issued shall be paid into the Exchequer.

(4) The Treasury shall, as soon as may be after the expiration of each quarter of each year during which guarantees may be given under this section, lay before both Houses of Parliament a statement of the guarantees given under this section during that quarter, together with particulars of the purposes to which the loans guaranteed were to be applied, and shall, so long as any such guarantees are in force, lay before both Houses of Parliament in every year within one month after the thirty-first day of March an account up to that date of

PART I.—*cont.*

the total sums, if any, which have been either issued out of the Consolidated Fund under this section or paid in or towards repayment of any money so issued.

Power to make grants towards meeting interest charges on development loans.

2.—(1) The Treasury, with the concurrence of the appropriate Government Department and after consultation with the said committee, may, on such terms and conditions as they think fit, and subject to the provisions of this section, make out of moneys to be provided by Parliament grants for the purpose of assisting persons carrying on any public utility undertaking in Great Britain in defraying, in whole or in part, during a period not exceeding fifteen years from the raising of the loan, the interest payable on any loan to be raised for such purpose as is mentioned in subsection (1) of section one of this Act:

Provided that a grant shall not be made under this section in respect of any loan in respect of which a guarantee has been given under section one of this Act.

(2) The Treasury, in considering whether a grant shall be made under this section, shall have regard to the extent to which the capital expenditure in question is calculated to promote employment in the United Kingdom and to the probability or not of the expenditure in question not being incurred in the near future if a grant in connection therewith is not made under this section.

(3) Where, after the passing of this Act, any such persons as aforesaid defray any capital expenditure incurred under such a scheme as is mentioned in subsection (1) of section one of this Act out of revenue or accumulated funds, the provisions of this section shall have effect as if the expenditure had been defrayed out of the proceeds of a loan raised after the passing of this Act at such a rate of interest as the Treasury may determine.

(4) For the purposes of this section, the expression "the appropriate Government Department," in relation to any application, means such Government Department as the Treasury may determine to be the appropriate Government Department for the purposes of that application.

Part I.—*cont.*

Definition of public utility undertaking.

3. In this Part of this Act the expression "public utility undertaking" means an undertaking carried on under statutory powers by any body of persons for providing means of transport or communication, gas, electricity, water or power, but does not include any such undertaking which is carried on by a body of persons to whom a grant may be made under Part II. of this Act.

PART II.

GRANTS TO LOCAL AUTHORITIES, &C., FOR DEVELOPMENT WORKS.

Power to make grants to local authorities in connection with development works.

4.—(1) The Minister of Labour, with the approval of the Treasury and on the recommendation of a committee appointed by him with the approval of the Treasury for the purposes of this Part of this Act, may out of moneys to be provided by Parliament make grants to bodies of persons to whom this Part of this Act applies, on such terms and conditions as he may with the approval of the Treasury determine, towards any expenditure to be incurred for the purpose of carrying out works of public utility calculated to promote employment in the United Kingdom:

Provided that, in the case of a grant made by way of assistance in defraying charges for interest and sinking fund in connection with a loan, payments on account of the grant shall not be made in respect of charges for any year after the expiration of thirty years from the raising of the loan.

(2) In making recommendations under this Part of this Act, the committee shall have regard to any general directions which may from time to time be given for the purposes of this section by the Minister of Labour, with the approval of the Treasury, and shall, in addition, in every case take into consideration the extent to which the proposed works are calculated to promote economic development in the United Kingdom, and the committee shall not recommend the making of a grant unless they are satisfied that the works in question would not be proceeded with in the near future unless the grant were made.

(3) The bodies of persons to whom this Part of this Act applies are local authorities and any such statutory

Part II. —*cont.*

bodies as carry on undertakings under statutory powers otherwise than for profit.

Part III.

General.

Provisions as to manner of making and fees on applications.

5.—(1) The Treasury, so far as relates to applications for guarantees or grants under Part I of this Act, and the Minister of Labour, so far as relates to applications for grants under Part II of this Act, may make regulations prescribing the manner in which such applications are to be made.

(2) For the purpose of meeting the costs and expenses incurred by the Treasury in administering Part I. of this Act, there shall be charged in connection with applications for and the giving of guarantees under the said Part, and other matters arising thereunder, such fees as the Treasury may from time to time prescribe.

Duration of powers.

6. The power of giving guarantees and of making grants under this Act shall be exerciseable only within a period of three years from the thirty-first day of August, nineteen hundred and twenty-nine.

Expenses of committees.

7. Any expenses incurred respectively by the Treasury and the Minister of Labour in connection with the committees appointed under this Act shall, so far as not otherwise provided for, be defrayed out of moneys provided by Parliament.

Short title.

8. This Act may be cited as the Development (Loan Guarantees and Grants) Act, 1929.

CHAPTER 8.

An Act to make further provision with respect to the construction of certain references to rateable value in enactments relating to the drainage and protection of land.

[26th July 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Amendment of certain provisions in land drainage enactments as to the ascertainment of values and the persons entitled to vote at elections of drainage authorities.

1.—(1) Any provision of any enactment relating to the drainage or protection of land against flooding which requires any matter, other than the amount of any drainage rate, to be determined by reference to the value of property as ascertained for the purposes of general rates, or of drainage rates, shall, as from the first day of October, nineteen hundred and twenty-nine, have effect as if it required that matter to be determined by reference to such value as is hereinafter mentioned, that is to say:—

(i) In the case of property assessed for income tax purposes under Schedule A. of the Income Tax Act, 1918, as amended by any subsequent enactment, by reference to gross annual value for income tax purposes, any necessary apportionment of that value being made by a court of summary jurisdiction; and

8 & 9 Geo. 5. c. 40.

(ii) In the case of property not so assessed, by reference to gross annual value as determined by a court of summary jurisdiction.

(2) Any provision of any enactment relating to the drainage or protection of land against flooding which provides that the electors at any election of members of a drainage authority shall be the owners and occupiers of lands within the drainage area or district, and that for the purposes of any such election the owner or occupier of any land shall be deemed to be the person shown in the rate book of the parish or rating area as being the owner or occupier of that land on a specified date, shall as from the first day of October, nineteen hundred and twenty-nine, have effect as if it provided that the persons entitled to vote at any such election as being owners and occupiers of lands shall, instead of being ascertained by reference to the said rate book, be ascertained by reference to a list of owners and occupiers liable to pay drainage rates to be kept by the drainage authority (either in their drainage-rate book or, if they so elect, as a separate list), or in the case of any dispute as to the correctness of any such list, be ascertained by a court of summary jurisdiction, and as if it provided further that the date by reference to which the persons entitled to vote at any such election as the owners and

occupiers of lands are to be ascertained shall be such date, not less than two nor more than four months before the date of the election, as the drainage authority may fix for that purpose.

(3) In this Act—

"Enactment" includes any public, general, local or private Act and any order or award made under any Act;

"Drainage rate" means any rate which is assessed under any commission of sewers or in respect of any drainage, wall, embankment or other work for the benefit of land; and

"Gross annual value for income tax purposes" means the annual value for the time being in force for the purposes of income tax under Schedule A. of the Income Tax Act, 1918, as amended by any subsequent enactment.

Short title and extent.

2.—(1) This Act may be cited as the Land Drainage Act, 1929.

(2) This Act shall not extend to Scotland or Northern Ireland.

CHAPTER 9.

An Act to indemnify certain persons from any penal consequences which they may have incurred by sitting and voting as members of the Commons House of Parliament while holding the office of Under Secretary of State, and to render valid the election of such persons.

[6th December 1929.]

21 & 22 Vict. c. 106.
7 & 8 Geo. 5. c. 51.
16 & 17 Geo. 5. c. 18.

WHEREAS by section four of the Government of India Act, 1858, as amended by section eleven of the Air Force (Constitution) Act, 1917, and section three of the Secretaries of State Act, 1926, it is provided that any six of His Majesty's Principal Secretaries of State for the time being and any six of the Under Secretaries for the time being to His Majesty's Principal Secretaries of State may sit and vote as members of the Commons House of Parliament, but that not more than six such Principal Secretaries and six such Under Secretaries shall sit as members of the Commons House of Parliament at the same time:

And whereas by section one of the House of Commons (Vacation of Seats) Act, 1864, as amended by section eleven of the Air Force (Constitution) Act, 1917, and section three of the Secretaries of State Act, 1926, it is provided that if at any time when six of the Under Secretaries for the time being to His Majesty's Principal Secretaries of State are members of the Commons House of Parliament any other person, being a member of that House, accepts the office of Under Secretary of State to any of the said Principal Secretaries, the election of that person shall be void: 27 & 28 Vict. c. 34.

And whereas Alfred Short, Esquire, Hugh Dalton, Esquire, Arthur Augustus William Harry Ponsonby, Esquire, William Lunn, Esquire, Frederick Montague Esquire, Thomas Drummond Shiels, Esquire, and Thomas Johnston, Esquire, were, at some time between the date on which they were returned as members to serve in the present Parliament and the commencement of the present Session of Parliament, appointed to be Under Secretaries to His Majesty's Principal Secretaries of State:

And whereas all the said seven Under Secretaries, being respectively members of the Commons House of Parliament, have since the commencement of the present Session of Parliament continued at the same time to sit and have from time to time voted as such members:

And whereas it is not possible to ascertain which of the said seven persons last accepted the office of Under Secretary:

And whereas under and by virtue of the said recited enactments or otherwise the said Under Secretaries or some or one of them may have incurred divers penal consequences:

And whereas the infringement of the said enactments having occurred through inadvertence, it is fit and proper that they the said Alfred Short, Hugh Dalton, Arthur Augustus William Harry Ponsonby, William Lunn, Frederick Montague, Thomas Drummond Shiels and Thomas Johnston should be indemnified from all penal consequences of their said acts and that their seats should not be vacated by reason only of such acts :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Indemnity for Under Secretaries of State named in Act.

1. The said Alfred Short, Hugh Dalton, Arthur Augustus William Harry Ponsonby, William Lunn, Frederick Montague, Thomas Drummond Shiels and Thomas Johnston, shall be and each and every of them is hereby freed, discharged and indemnified from and against all penalties, forfeitures, incapacities and disabilities whatsoever, if any, incurred or to be incurred by them or any or either of them by reason of their said acts.

Provision as to members elected previously to passing of this Act.

2. No one of the said seven persons hereinbefore mentioned shall be treated as having vacated his seat in the Commons House of Parliament by reason only that at some time previously to the passing of this Act the number of members of that House holding the office of Under Secretary of State exceeded the number limited by law.

Short title.

3. This Act may be cited as the Under Secretaries of State Act, 1929.

CHAPTER 10.

Repealed except subsection
(4) of section 3 subsections
(1) and (2) of
section 9,
section 21 an
section 25 by
the Widows
Orphans and
Old Age Con-
-tributory Pen
sions Act
1936 (c. 33)

An Act to amend the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, section three of the Old Age Pensions Act, 1908, section three of the Old Age Pensions Act, 1919, and the enactments regulating the right to become a voluntary contributor under the National Health Insurance Acts, 1924 to 1928, and the mode of collecting contributions under those Acts, and to provide for the exclusion of payments on account of widows' or orphans' pensions in the assessment of damages under the Fatal Accidents Acts, 1846 to 1908.

[6th December 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of right to widows' pensions.
15 & 16 Geo. 5. c. 70.

1.—(1) A widow shall, subject as hereinafter provided, be entitled to a widow's pension payable in accordance with the provisions of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925 (in this Act referred to as "the principal Act") relating to such a pension, if she has attained the age of fifty-five and is the widow of a man—

(*a*) who died before the fourth day of January, nineteen hundred and twenty-six, and as respects whom it is shown either—

(i) that he was at some time within three years before his death, or, if he lived to attain the age of seventy, within three years before the date on which he attained that age, registered as a member of an approved society or as a deposit contributor; or

(ii) that his normal occupation was at some time within the said period employment in respect of which contributions under the principal Act would have been payable if that Act had been in force at that time; or

(iii) that during the late war he served in the naval, military, or air forces of the Crown, or as a master or seaman, for a period of not less than two years and was entitled to be insured while so serving, and died within three years of the termination of that period; or

(iv) that having volunteered for temporary service abroad in the naval or military forces of the Crown in connection with any naval or military operations previous to the late war, he served during those operations as a man of those forces for a period of not less than one year and died within three years of the termination of that period; or

(*b*) who died between the third day of January, nineteen hundred and twenty-six, and the first day of January, nineteen hundred and thirty-one, and as respects whom it is shown that at some time within three years before the date of his death or the date on which by reason of his age contributions ceased to be payable in respect of him, his normal occupation was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Insurance Act; or

(*c*) who having attained the age of seventy before the fourth day of January, nineteen hundred and twenty-six, died on or after that date and was at the time of his death, or would if he had survived the second day of July in that year have been, entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of section twenty of the principal Act:

Provided that—

(i) a widow who has attained the age of sixty before the commencement of this Act, or who attains that age before the first day of January, nineteen hundred and thirty-one, shall not become entitled to a pension until the first day of July, nineteen hundred and thirty, or until the date on which she attains the age of sixty, whichever is the later, and a widow who does not attain the age of sixty before the said first day of January, shall not become entitled to a pension until that date:

(ii) the widow of a man mentioned in paragraph (*b*) or paragraph (*c*) of this subsection shall not, if the marriage took place after the twenty-fifth day of July, nineteen hundred and twenty-nine, become entitled to a pension unless at the date of his death three years have elapsed since the date of the marriage or unless immediately before the marriage she was, or but for any disqualification for the receipt of a pension contained in subsection (1) of section twenty-one or section twenty-four of the principal Act would have been, in receipt of a widow's pension:

(iii) in the case of a man who was an exempt person, or a person employed in an excepted employment, paragraph (*c*) of this subsection shall apply subject to the prescribed modifications:

(iv) a widow's pension under this section shall not be payable to a woman while a widow's pension is payable to her under section eighteen or section nineteen of the principal Act.

(2) If as respects any period before the thirtieth day of June, nineteen hundred and nineteen, any question arises under paragraph (*a*) of subsection (1) of this section whether contributions would have been payable under the principal Act if that Act had then been in force, that question shall be determined as if in paragraph (*k*) of Part II of the First Schedule to the Insurance Act the words "one hundred and sixty pounds" were substituted for the words "two hundred and fifty pounds" wherever those words occur.

(3) Subsection (3) of section forty-four of the principal Act shall, in relation to the widow of a man to whom paragraph (*a*) of subsection (1) of this section applies, have effect as if for the words "in respect of "the insurance of her former husband" there were substituted the words "in respect of the insurance or "employment of her former husband."

(4) Section eighty-nine of the Insurance Act (which provides for the determination by the Minister of questions relating to employment) shall apply to any question arising under subsection (1) of this section whether employment which was, or is alleged to have been, the normal occupation of any person was employment in respect of which contributions under the principal Act would have been payable if that Act had been in force or, as the case may be, was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Insurance Act, in the like manner in either case as if the question were a question arising under paragraph (*a*) of subsection (1) of the said section eighty-nine.

Extension of right to old age pensions in the case of certain women.

2.—(1) A woman who has attained the age of sixty-five but has not attained the age of seventy shall, subject as hereinafter provided, be entitled to an old age pension payable in accordance with the provisions of the principal Act relating to such a pension if she is the wife of a man who is entitled by virtue of section twenty of that Act to an old age pension under the Old Age Pensions Acts, 1908 to 1924:

Provided that a woman shall not be entitled to a pension under this subsection unless or until three years have elapsed since the date of the marriage or unless immediately before the marriage she was, or but for any disqualification for the receipt of a pension contained in subsection (1) of section twenty-one or section twenty-four of the principal Act would have been, in receipt of a widow's pension.

(2) As from the first day of July, nineteen hundred and thirty, a widow shall be entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, if she would have become entitled to a widows' pension

under section one of this Act had she not attained the age of seventy before the said date.

Subsection (2) of section twenty of the principal Act shall apply to a pension to which a widow becomes entitled by virtue of this subsection, as it applies to a pension to which a person becomes entitled by virtue of the said section twenty.

(3) A woman shall be entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, if she has attained the age of seventy and is the wife of a man who was at any time entitled to an old age pension under the principal Act, and accordingly for paragraph (*d*) of subsection (1) of section twenty of that Act (which relates to persons over seventy entitled to old age pensions), there shall be substituted the following paragraph:—

> "(*d*) if, being a woman who has attained the age of seventy, she is the wife of a man who is, or was at any time, entitled to an old age pension under this Act; or"

Provisions as to pensioners and insured persons in His Majesty's dominions outside Great Britain.

3.—(1) The provisions of this section shall have effect with respect to persons who are in any part of His Majesty's dominions outside Great Britain, whether they left Great Britain before or after the commencement of this Act, that is to say—

(*a*) if a pension would but for the provisions of paragraph (*a*) of section twenty-two of the principal Act (which relates to the residential qualification of pensioners) be payable under or by virtue of that Act to or in respect of any such person as aforesaid, then the said paragraph (*a*) shall not apply as regards any sum accruing on account of the pension after the commencement of this Act;

(*b*) if any such person as aforesaid being at the date when he last left Great Britain an insured person dies or attains the age of sixty-five—

(i) while he continues to be insured; or

(ii) in the case of a person ceasing to be insured before the expiration of twelve months from the date when he last left Great Britain, then before the expiration of those twelve months,

he shall in the last-mentioned case be deemed to have continued to be insured until the date on which he died or attained the age of sixty-five, and in either case, contributions shall be deemed to have been paid in respect of him from the date when he last left Great Britain until the date on which he died or attained the age of sixty-five:

Provided that, in a case where a pension is claimed in respect of the insurance of a person to whom proviso (i) to section eight of the principal Act applies, the provisions of this paragraph shall have effect as if for the words "or attains the age of sixty-five" there were substituted the words "or if the period of five "years from the date on which he entered into "insurance expires" and as if for the words "or attained the age of sixty-five" (wherever those words occur) there were substituted the words "or on which the period of five "years from the date on which he entered into "insurance expired";

(*c*) if any such person as aforesaid being other than a married woman and being at the date when he last left Great Britain an insured person was either—

(i) a voluntary contributor under the Insurance Act; or

(ii) a person entitled to become such a contributor,

he may at any time before the date when he ceases to be insured, or, if he ceases to be insured before the expiration of twelve months from the date when he last left Great Britain, then before the expiration of those twelve months, give notice in writing to the Minister that he desires to become a voluntary contributor for the purposes of the principal Act, and thereupon contributions shall become payable by him at the ordinary rates as from the week following that in respect of which the last contribution under the principal Act was payable by or in respect of him and shall continue to be so payable until he attains the age of sixty-five, and, if before the date on which he gives such notice as aforesaid he has ceased to be insured, he shall, nevertheless, be deemed to have continued to be insured for the purposes of the principal Act until that date :

Provided that, in the case of an insured person who last left Great Britain within the period of twelve months before the commencement of this Act, or who last left Great Britain before that period but was insured at the commencement of this Act, a notice for the purposes of this subsection may be given at any time before the thirty-first day of December, nineteen hundred and thirty.

(2) The Minister may make a special order adapting in such manner as he thinks necessary the provisions of paragraph (*c*) of subsection (1) of this section so as to make them applicable to any person who has served in the Navy, Army, or Air Force services or as a master or seaman and who, if he had returned to Great Britain at the expiration of his service, would have been entitled to become a voluntary contributor.

The provisions of sections ninety-four and ninety-five of the Insurance Act (which relate to the procedure for the making of special orders) shall apply in the case of special orders made under this subsection.

(3) The provisions of subsection (2) of section three of the Insurance Act (which relates to the position of insured persons ceasing to pay contributions as voluntary contributors) shall apply, subject to such modifications as may be prescribed by regulations to persons who, having become voluntary contributors under paragraph (*c*) of subsection (1) of this section, have subsequently ceased to pay contributions and the provisions of subsection (5) of section seven of the said Act (which relates to the minimum number of contributions to be

paid in any year), except the proviso to the said subsection, shall also apply to such persons.

(4) If a person who has become a voluntary contributor under paragraph (*c*) of subsection (1) of this section returns to Great Britain, he shall at any time whilst he continues to be insured be entitled, on giving notice in that behalf in writing to the Minister, to become a voluntary contributor for the purposes of the Insurance Act.

(5) Payments in respect of a pension which by virtue of the provisions of this section may be made to a person in a part of His Majesty's dominions outside Great Britain shall, notwithstanding anything in section twenty-eight of the principal Act, be made at such intervals and in such manner as the Minister, with the approval of the Treasury, may determine and subject to such arrangements, if any, as the Secretary of State may make with the Government of that part of those dominions.

(6) The Minister may make regulations under section thirty of the principal Act for the purpose of carrying this section into effect, and in particular with respect to the notices to be given and the information to be supplied by persons claiming privileges under this section, and with respect to the intervals at which and the manner in which contributions under paragraph (*c*) of subsection (1) of this section are to be paid.

(7) In this section the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

(8) The provisions of this section shall not apply in the case of any person in any part of His Majesty's dominions outside Great Britain with which reciprocal arrangements with respect to pensions are for the time being in force under section thirty-three of the principal Act.

Amendment of financial provisions.

4. Subsection (3) of section eleven of the principal Act (which makes provision with respect to finance) shall cease to have effect so far as relates to the payments to be made in years subsequent to the year ending on the thirty-first day of March, nineteen hundred and thirty, and in lieu thereof payments shall be made as follows into the Treasury pension account out of moneys provided by Parliament, that is to say:—

(*a*) For the year ending the thirty-first day of March, nineteen hundred and thirty-one, the sum payable shall be nine million pounds:

(*b*) As respects the period of twelve years next succeeding, that is to say, up to and including the year ending the thirty-first day of March, nineteen hundred and forty-three, the sum payable shall in the first year of the period be ten million pounds and thereafter shall rise by one million pounds in each successive year of the period:

(*c*) For each of the next three succeeding years the sum payable shall be the amount reached in the year last aforesaid, that is to say, twenty-one million pounds:

(*d*) After the year ending the thirty-first day of March, nineteen hundred and forty-six, the sums payable shall be such as Parliament may hereafter determine.

Amendment as to right of widows or wives of men who had attained sixty at date of marriage to widows' or old age pensions.

5. For the words "was immediately before the "marriage in receipt of a widow's pension," where those words occur in proviso (*c*) to subsection (1) of section three, in the proviso to subsection (1) of section seven and in the proviso to subsection (1) of section twenty of the principal Act, there shall be substituted the words "immediately before the marriage was, or but for any "disqualification for the receipt of a pension con-"tained in subsection (1) of section twenty-one or "section twenty-four of this Act would have been, in "receipt of a widow's pension," and in the proviso to subsection (1) of the said section twenty, for the words "five years" there shall be substituted the words "three years."

Amendment with respect to statutory conditions as to pensions.

6.—(1) For the words "have elapsed since the date "of the entry of that person into insurance" in paragraph (*b*) of section five of the principal Act there shall be substituted the words "elapsed between the date on

" which that person entered into insurance and the date
" on which he died or on which contributions under the
" Insurance Act ceased to be payable by or in respect
" of him by reason of his age, whichever was the earlier."

(2) Sections five and eight of the principal Act (which enact the statutory conditions as to widows' and orphans' pensions and old age pensions respectively) shall have effect as if—

(*a*) at the end of the said section five there were added the following proviso:—

" Provided that condition (*b*) shall not apply in any case where the person in respect of whose insurance a pension is claimed—

(i) was at the date on which he attained the age of sixty an insured person and had at that date been continuously insured for a period of ten years or, if he attained the age of sixty before the fifteenth day of July, nineteen hundred and twenty-two, since the fifteenth day of July, nineteen hundred and twelve; or

(ii) was immediately before the date when he attained the age of seventy, or, if he died before attaining that age, was at the date of his death, entitled to an old age pension under the principal Act"; and

(*b*) at the end of the said section eight there were added the following proviso:—

"(iv) Condition (*c*) shall not apply in any case where the person in respect of whose insurance a pension is claimed was at the date on which he attained the age of sixty years an insured person and had at that date been continuously insured for a period of ten years, or, if he attained the age of sixty before the fifteenth day of July, nineteen hundred and twenty-two, since the fifteenth day of July, nineteen hundred and twelve."

This subsection shall be deemed to have had effect as from the commencement of the principal Act, but where a pension becomes payable by virtue thereof, the person to whom the pension is payable shall not be entitled to any payment on account thereof in respect of any period before the commencement of this Act.

(3) In determining for the purposes of a claim to a widow's pension or an orphan's pension whether the statutory conditions mentioned in the said section five have been complied with, no account shall, unless the payment was made before the commencement of this Act, be taken of contributions paid after the date of the death of the person in respect of whose insurance the pension is claimed; and in determining for the purposes of a claim to an old age pension under the principal Act whether conditions (*b*) and (*c*) of the statutory conditions mentioned in the said section eight have been complied with, no account shall, unless the payment was made before the commencement of this Act, be taken of contributions paid after the date on which the person in respect of whose insurance the pension is claimed attained the age of sixty-five, or, if he had attained that age before the appointed day, of contributions paid after the appointed day:

Provided that—

(*a*) in a case where the pension is claimed in respect of the insurance of a person to whom proviso (i) to the said section eight applies, the foregoing provision shall have effect as if for the words "the date on which the person "in respect of whose insurance the pension "is claimed, attained the age of sixty-five, "or, if he had attained that age before the "appointed day, of contributions paid "after the appointed day," there were substituted the words "the expiration of the "period of five years from the date on "which the person in respect of whose "insurance the pension is claimed entered "into insurance"; and

(*b*) the provisions of this subsection shall have effect subject to any regulations made under paragraph (*e*) of subsection (1) of section thirty of the principal Act.

Amendment of s. 1 of principal Act with respect to duration of additional allowance and orphans pensions.

7. For subsection (2) of section one of the principal Act, which fixes by reference to the age of a child the date at which any additional allowance or orphan's pension ceases to be payable in respect of him, there shall be substituted the following subsection:—

> "(2) The specified age in relation to any child shall be the age of fourteen, or, in the case of a child under full time instruction in a day school, the date on which he ceases to be under such instruction, or the thirty-first day of July next following the date on which he attains the age of sixteen, whichever is the earlier."

Amendment of s. 6 of principal Act.

8.—(1) Subsection (1) of section six of the principal Act (which enacts special provisions as to additional allowances and orphans' pensions) shall apply in a case where a child has before the death of his father or his stepfather, whether before or after the commencement of this Act, been removed by order of any court from the custody of the father or stepfather and placed in the custody of some person other than the mother or stepmother, as it applies in a case where a child has been removed from the custody of the person to whom the additional allowance would be payable.

(2) Where the Minister is satisfied that a child in respect of whom an additional allowance is payable was not living with the widow at the time when she became a widow or was not immediately after the husband's death being supported by the widow, the Minister may, whether the widow has or has not claimed a widow's pension, direct that the additional allowance shall be paid to the person having the charge of the child, to be administered by that person for the benefit of the child.

(3) An application for the purpose of subsection (3) of the said section six may be made by any woman who is entitled to an additional allowance as part of a widow's pension, notwithstanding that she is not in receipt of the allowance.

(4) Where any person to whom an additional allowance or an orphan's pension in respect of any child would otherwise be payable is by virtue of the provisions of the First Schedule to this Act disqualified for receiving

any sum on account of a pension, the Minister may direct that the additional allowance or orphan's pension shall be paid to the person having the charge of the child, to be administered by that person for the benefit of the child.

(5) For the purposes of sections twenty-eight and twenty-nine of the principal Act, an additional allowance shall, unless the context otherwise requires, be deemed to be a separate pension.

Amendment with respect to persons employed in excepted employments.

9.—(1) If in the case of any person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) of Part II of the First Schedule to the Insurance Act, contributions under the principal Act either—

(*a*) cease to be payable; or

(*b*) become payable at the reduced rates mentioned in Part IV of the First Schedule to that Act instead of at the ordinary rates;

that person shall be entitled to become a voluntary contributor under the Insurance Act in the same manner as if he had ceased to be employed in such an excepted employment as aforesaid and the provisions of the Insurance Act relating to the continuance in insurance of persons ceasing to be employed shall, subject to such modifications as may be prescribed, apply to him as if he had ceased to be employed, and if he is a person in respect of whose insurance a widows' pension or an orphans' pension is payable statutory condition (*b*) in section five of the principal Act shall not apply.

(2) In determining for the purposes of subsection (5) of section fifteen of the principal Act whether a person has been employed in an excepted employment to which that section applies, and whether contributions would have been payable in respect of him had he continued to be so employed after the commencement of the principal Act, employment in Ireland before the first day of April, nineteen hundred and twenty-two, in respect of which a certificate was given under paragraph (*b*) or (*c*) of Part II of the First Schedule to the National Insurance Act, 1911, shall be treated as if it had been employment in Great Britain.

1 & 2 Geo. 5. c. 55.

(3) For the words "is a person who at the com-"mencement of this Act was an insured or exempt "person" where those words occur in the proviso to subsection (7) of section fifteen and in the proviso to the Second Schedule to the principal Act there shall be substituted the words "is a person—

"(i) who retired before the date of the commence-"ment of this Act and was an insured or exempt "person on that date; or

"(ii) who retired on or after the said date and was "insured at the date of his retirement."

Amendment of ss. 18 and 19 of principal Act.

10.—(1) The following shall be substituted for paragraph (*d*) of section eighteen of the principal Act and for proviso (*b*) to subsection (1) of section nineteen of that Act—

"a widow's pension shall cease to be payable on the date on which the youngest child or the only child, as the case may be, attains the age of sixteen, or, in the case of a child who on the date when he attains the age of sixteen is under full time instruction in a day school, the date on which he ceases to be under such instruction, or the thirty-first day of July next following the date on which he attains the age of sixteen, whichever is the earlier:

Provided that, if the youngest child or the only child dies before attaining the age of sixteen, the pension shall continue until the date on which the deceased child would have attained the age of sixteen, or until the expiration of six months from the date of the child's death, whichever period is the shorter, without prejudice, however, in a case where the deceased child was not the only child to any further continuance of the pension to which the widow may be entitled in right of any older surviving child:"

(2) This section shall be deemed to have had effect as from the commencement of the principal Act, but where by virtue of the provisions contained in the said paragraph (*d*) or the said proviso (*b*) as originally enacted a widow's pension has ceased before the commencement of this Act, the widow shall not be entitled to any payment on account of the pension in respect of the

period between the date on which the pension so ceased and the commencement of this Act.

Disqualifications, &c.

11.—(1) The provisions set out in the First Schedule to this Act, shall have effect with respect to disqualifications for the receipt of pensions under the principal Act (including additional allowances under that Act) and pensions under the Old Age Pensions Acts, 1908 to 1924, and accordingly subsection (2) of section twenty-one of the principal Act and the Third Schedule to that Act (which relate to disqualifications for the receipt of pensions under that Act) and subsections (1) and (2) of section three of the Old Age Pensions Act, 1908 (which relate to disqualifications for the receipt of pensions under the Old Age Pensions Acts, 1908 to 1924) as amended by any subsequent enactment, shall be repealed.

8 Edw 7. c. 40.

(2) In calculating the period of three months mentioned in paragraph (*b*) of section twenty-two of the principal Act, there shall be excluded any period during which, by virtue of the provisions of the First Schedule to this Act, no sum on account of the pension may be paid.

Administration of pensions in case of certain lunatics.

12.—(1) Regulations made under subsection (1) of section thirty of the principal Act shall provide that any pension which a pauper lunatic to whom this section applies may be entitled to receive shall be paid to some local authority or other person to be administered—

(*a*) in providing up to such amount as may be prescribed by the regulations, additional comforts for the lunatic; and

(*b*) for the benefit of such dependants of the lunatic as are not contributing to the expenses incurred by any poor law authority in respect of his support:

Provided that the regulations shall provide that, where the lunatic has no such dependants, such sum only as may be required for the purpose of providing additional comforts for him shall be paid to the local authority or person administering the pension.

(2) This section applies to any pauper lunatic who is detained in any asylum as such or is being maintained in any other place as such.

(3) For the purposes of paragraph (*b*) of section twenty-two of the principal Act, any sum accruing due on account of a pension which a pauper lunatic to whom this section applies is entitled to receive shall, notwithstanding his incapacity to give a receipt therefor, be regarded as becoming payable on the date on which it would have become payable if he had not been so incapacitated.

Residential qualification in case of certain pensions.

13.—(1) A widow shall not be entitled to a widow's pension under subsection (1) of section one of this Act unless she was resident in Great Britain—

(*a*) on the twenty-fifth day of July, nineteen hundred and twenty-nine; and

(*b*) for a period of two years immediately before the date on which she would but for the provisions of this subsection have become entitled to the pension.

(2) A right to a widow's pension or an orphan's pension under section eighteen of the principal Act shall not arise unless the widow or child, as the case may be, was resident in Great Britain for a period of two years immediately before the date of the commencement of the principal Act, or in the case of a child under the age of two from its birth up to that date.

(3) Section twenty-three of the principal Act (which makes provision with respect to residential qualification of persons in respect of whose insurance pensions are payable) shall cease to have effect.

Amendment with respect to double pensions.

14.—(1) Subsection (1) of section twenty-four of the principal Act (which contains provisions against double pensions) shall have effect as if for the words "except "where such a pension is payable in respect of the service "of the pensioner's son during the late war" there were substituted the words "except where such a pension is "payable in respect of the service of the pensioner's son "or stepson during the late war."

(2) For the words "in respect of whom an additional "allowance is payable" in subsection (2) of the said section twenty-four there shall be substituted the words "in respect of whom an additional allowance is "claimable."

(3) The following shall be substituted for subsection (5) of the said section twenty-four:—

> "(5) An old age pension shall not be payable to any woman so long as she is entitled to a widow's pension."

(4) Subsection (2) of section seven of the principal Act shall have effect as if for the words from "unless" to the end thereof there were substituted the following words:—

> "Provided that if the person entitled, being a woman, becomes entitled to a widow's pension before attaining the age of seventy, the old age pension shall cease to be payable and shall not on her ceasing to be entitled to a widow's pension again become payable unless she was entitled thereto in respect of her own insurance."

Repeal of s. 25 of principal Act.

15 & 16 Geo. 5. c. 84.

15. Section twenty-five of the principal Act (which makes provision with respect to cases where both an additional allowance or orphan's pension and compensation under the Workmen's Compensation Act, 1925, are payable) shall cease to have effect, and any additional allowance or orphan's pension which by virtue of the said section either has ceased to be payable, or has become payable only at a reduced rate, shall as from the commencement of this Act again become payable, or be payable at the full rate, as the case may be, but subject to the other provisions of the principal Act with respect to the cesser of, or the discontinuance of payments in respect of, such allowances and pensions.

Amendment of provisions applicable where a person entitled to pension receives outdoor relief.

16.—(1) Where during any period, whether before or after the commencement of this Act, a poor law authority has granted outdoor relief to or on account of any person who, though entitled to a pension, is not at that time receiving payments on account thereof, and either—

(*a*) that relief would not have been granted if that person had then been receiving payment on account of a pension; or

(*b*) that relief is in excess of the amount which would have been granted to that person if he had been receiving payment on account of a pension;

the Minister may, if any sum accruing in respect of any part of the period aforesaid on account of a pension becomes subsequently payable, treat the sum so payable as reduced for the purposes of the principal Act by an amount not exceeding such an amount as the authority certify to have been so paid or so paid in excess, as the case may be, in respect of the period in respect of which the said sum accrued, and the Minister may pay to that authority the amount by which the said sum is treated as having been reduced as aforesaid.

(2) This section shall extend to a case where any sum becomes subsequently payable on account of an additional allowance or orphan's pension payable in respect of a child on account of whom any such relief as aforesaid has been granted in like manner as to a case where a sum on account of a pension becomes subsequently payable to a person to or on account of whom such relief as aforesaid has been granted, and shall apply in such a case subject to the necessary modifications.

Amendment of s. 28 of principal Act.

17.—(1) Subsection (1) of section twenty-eight of the principal Act (which relates to the date of commencement of pensions, &c.) shall not apply in relation to any person becoming entitled to a pension on or after the second day of December, nineteen hundred and twenty-nine, and in the case of any such person the pension shall commence to accrue—

(*a*) if the claim is made within three months from the date on which the claimant becomes entitled to the pension, then on that date; and

(*b*) if the claim is not made within three months from that date, then at the commencement of the period of three months immediately preceding the date on which the claim is made.

(2) The proviso to subsection (4) of the said section twenty-eight shall cease to have effect.

Revision of awards and decisions.

18.—(1) The Minister may at any time and from time to time revise any award made or decision given by him under the principal Act, if it appears to him that the award or decision was erroneous either in view of new facts which have been brought to his notice since the date on which it was made or given or by reason of some mistake having been made with respect to the facts or the law:

Provided that the provisions of this subsection shall not apply—

(*a*) to an award or decision relating to a matter which has been referred to referees under section twenty-nine of the principal Act; or

(*b*) if the time for making an application to have the matter to which the award or decision relates referred to referees has not expired; or

(*c*) to an award made by the Minister for the purpose of giving effect to a decision given by referees;

unless in a case falling within paragraph (*a*) or paragraph (*b*) the person on whose application the reference was made, or who is entitled to apply to have the matter referred, as the case may be, consents.

(2) If in any case in which a decision has been given by referees with respect to a matter referred to them under the said section twenty-nine it appears to the Minister that the referees might properly be asked to reconsider the decision in view either of new facts which have been brought to his notice since the date on which the decision was given or of any apparent inconsistency between the decision and any other decision subsequently given either by the court or by referees, he may direct that the matter shall be referred to referees for reconsideration.

(3) A revised award made or revised decision given by the Minister under this section shall take effect as follows—

(*a*) where by virtue of the revised award or decision a pension will become payable to any person or a pension will be increased, it shall take effect—

(i) if made or given by reason of a new fact having been brought to the notice of the Minister, as from the date on which the application for revision was made; and

(ii) in any other case, as from the date on which the original award or the original decision took effect;

(*b*) where by virtue of the revised award or decision a pension will cease to be payable or will be reduced, it shall take effect as from the date on which notice of the revised award or decision is given by the Minister to the person concerned.

(4) Where any decision is revised under this section by referees, the revised decision and any award made by the Minister for the purpose of giving effect thereto shall have effect as from such date as the referees may determine.

(5) The provisions of section twenty-nine of the principal Act with respect to references shall apply in relation to any revised award made or revised decision given by the Minister under this section as they apply in relation to an original award or decision.

(6) The foregoing provisions of this section with respect to the date as from which a revised award or revised decision is to take effect shall not be construed as affecting the operation of subsection (2) of section thirty-five of the principal Act (which relates to repayment in cases of fraud and in certain other cases).

Amendment of s. 30 of principal Act.

19. Subsection (1) of section thirty of the principal Act shall have effect as if—

(1) the words "not exceeding six weeks" were omitted from paragraph (*c*) thereof; and

(2) in paragraph (*e*) thereof after the word "pension" there were inserted the words "or an old age pension"; and

(3) at the end thereof there were inserted the following new paragraphs:—

"(*i*) for providing that, notwithstanding anything in section twenty-two of this Act, but subject to the regulations—

(*a*) in the case of the death of a person who was in receipt of a pension, payment may be made of any sum which became payable within three months before the date of his death on account of the pension, but has not been paid; and (*b*) in the case of the death of a person who being entitled to a pension had made a claim thereto, payment may be made of any sum which, if his claim had been allowed immediately before his death, would have become payable on account of the pension up to the date of his death; and

(*c*) in the case of the death of any person who was entitled to a pension but had made no claim thereto, payment may be made of any sum which, if a claim had been made immediately before his death, would have become payable on account of the pension up to the date of his death; and

(*j*) for providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as is mentioned in the last preceding paragraph, and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be entitled to receive the said sum or any part thereof, either as being persons beneficially entitled thereto under any testamentary instrument or as next of kin, or as being creditors of the deceased person, or to or among any one or more of such persons exclusive of the others, or, in the case of any illegitimacy of the deceased person or any child of his, to or among such person or persons as may be directed by the regulations."

Amendment of s. 35 of principal Act.

20. Any person who knowingly obtains or receives any payment as on account of a pension which for any reason whatsoever is not payable to him shall, on summary conviction, be liable to the same penalty as that to which a person is liable under subsection (1) of section thirty-five of the principal Act if he knowingly obtains payment of a pension which he is disqualified from receiving.

Extension of classes of persons who may become voluntary contributors.

21.—(1) Any such person as is hereinafter mentioned, that is to say—

(*a*) any person who would at the commencement of the principal Act have been entitled to become a voluntary contributor by virtue of subsection (1) of section thirteen of that Act if he had not been an insured person at that date; or

(*b*) any person employed in an excepted employment to which section fifteen of the principal Act applies, not being a married woman or a person in respect of whom no contributions are payable under that Act,

may, subject to the prescribed conditions, if he gives notice within the prescribed time and in the prescribed manner that he desires to become a voluntary contributor under the Insurance Act, become such a contributor.

(2) In calculating the period of one hundred and four weeks for which a person must have been employed within the meaning of the Insurance Act and insured as an employed contributor in order to be entitled to become a voluntary contributor under paragraph (*a*) of subsection (3) of section one of the Insurance Act, there shall—

(*a*) in the case of a person who, being a man, was immediately before he became so insured an exempt person or entitled to medical benefit by reason of having been an exempt person, be included the number of weeks for which contributions under the Insurance Act were paid in respect of him as an exempt person;

(*b*) in the case of a person who, within a period of twenty-one months before he became so insured was employed in an excepted employment to which section fifteen of the principal Act applies, be included the number of weeks for which contributions under that Act were paid in respect of him, or would have been payable in respect of him had that Act been in force during his employment in the excepted employment,

as if in either case such weeks had been weeks for which he was employed within the meaning of the Insurance Act and insured as an employed contributor.

22. In assessing damages in any action under the Fatal Accidents Acts, 1846 to 1908, whether commenced before or after the commencement of this Act, there shall not be taken into account any widows' pension, additional allowance or orphans' pension payable under the principal Act.

Exclusion of widows' and orphans' pensions in assessment of damages.

23. If it appears to the Minister that any sums have been paid to any person by way of sickness or disablement benefit under the National Health Insurance Acts, 1924 to 1928, or unemployment benefit under the Unemployment Insurance Acts, 1920 to 1929, in respect of any period subsequent to the date on which an old age pension under the principal Act commenced to accrue to that person, the Minister may direct that the sums so paid shall be treated as advances made to that person on account of the old age pension, and may deduct an equivalent amount from any payments accruing on account of the old age pension in respect of the said period and may pay the amount so deducted to the funds of the claimant's approved society, or to the deposit contributors fund, or to the unemployment fund, as the case may be.

Provisions as to sickness or other benefit paid to person entitled to old age pension.

24. An adopted child within the meaning of the Adoption of Children Act, 1926, if adopted, whether before or after the commencement of this Act, either by two spouses jointly or by one of two spouses in the lifetime of the other shall for the purposes of the principal Act be treated as being the child of those spouses and as not being the child of any other person:

Application of principal Act to adopted children.
16 & 17 Geo. 5. c. 29.

Provided that this section shall not apply in the case of a child in respect of whom an additional allowance or orphan's pension was payable at the date of his adoption, or, if he was adopted before the date of the commencement of this Act, at that date.

25. If provision is made by regulations under the Insurance Act for the payment of contributions, at the option of the persons liable to pay, either by means of adhesive stamps or by some alternative method the use of which involves greater expenses in administration to the Government departments concerned than would be incurred if the contributions were paid by means of adhesive stamps, a provision may be included in the regulations for requiring any person who adopts the

Amendment of s. 8 of the Insurance Act.

alternative method to pay to the Minister such fees as may be determined by the Minister, with the concurrence of the Treasury, to represent the difference between the expenses incurred by the said departments by reason of the fact that the alternative method has been adopted and the expenses which would have been incurred by the said departments if the contributions payable by that person had been paid by means of adhesive stamps.

Provision for stated case to Court of Session by referees in Scotland.

26. Where in Scotland any question is referred to referees under the provisions of subsection (2) of section twenty-nine of the principal Act, the referees may on the application of any party to the reference at any stage of the proceedings and shall, if so directed by either division of the Court of Session, state a case on any question of law arising in the reference for the opinion of either division of the Court of Session and the procedure in the stated case shall be such as may be prescribed by Act of Sederunt.

Short title, commencement, construction, extent and repeal.

27.—(1) This Act may be cited as the Widows', Orphans' and Old Age Contributory Pensions Act, 1929, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 and 1929.

(2) This Act shall come into operation on the second day of January, nineteen hundred and thirty.

(3) Unless in any case the context otherwise requires, any reference in this Act to the principal Act or to any enactment contained in that Act shall be construed as a reference to that Act or to that enactment as amended by this Act, and any reference in this Act to the Insurance Act or to any enactment contained in that Act shall be construed as a reference to that Act or to that enactment as amended by any other Act, including this Act.

(4) This Act shall not extend to Northern Ireland.

(5) The enactments set out in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Sections 8 and 11.

Disqualifications for Receipt of Pension.

1. Where during any period a person—
   (*a*) is an inmate of any workhouse or other poor law institution; or
   (*b*) is detained in prison in pursuance of an order made on his conviction for any offence and directing him to be imprisoned without the option of a fine, or to suffer any greater punishment; or
   (*c*) is being maintained in any place as a pauper or criminal lunatic, or is detained in any asylum within the meaning of the Lunacy Acts, 1890 to 1922,

then, subject to the provisions of this Schedule, he shall be disqualified for receiving any sum accruing during that period on account of any pension which would otherwise be payable to him, and if before the commencement of that period any sum has accrued on account of a pension payable to him, that sum shall not be paid to him during the continuance of the said period:

Provided that paragraph (*c*) so far as it relates to maintenance in any place as a pauper lunatic or to detention in an asylum shall not apply to a person who is entitled to a pension under section three, or section four or section seven of the principal Act, or who having been so entitled, is entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of section forty of the principal Act or to a person who is entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of paragraph (*d*) or (*e*) of subsection (1) of section twenty of the principal Act.

2. For the purposes of this Schedule a person who has become an inmate of any workhouse or other poor law institution for the purpose of obtaining medical or surgical treatment shall not be treated as being such an inmate so long as he continues to require such treatment, and, for the purposes of this Schedule as it applies to pensions under the principal Act an additional allowance or an orphan's pension payable in respect of any child, shall be treated as if it were a pension payable to that child, but

1ST SCH. —*cont.*

save as aforesaid nothing in the provisions of this Schedule shall affect the right to payment of an additional allowance or orphan's pension in respect of a child.

3. For the purpose of this Schedule as it applies to Scotland the expression "poor law institution" means a poorhouse to which the provisions of the Poor Law (Scotland) Act, 1845, apply, and a reference to the Lunacy (Scotland) Acts, 1857 to 1919, shall be substituted for the reference to the Lunacy Acts, 1890 to 1922.

Section 27.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short title.	Extent of repeal.
8 Edw. 7. c. 40	The Old Age Pensions Act, 1908.	Subsections (1) and (2) of section three.
9 & 10 Geo. 5. c. 102.	The Old Age Pensions Act, 1919.	Subsection (1) of section three.
15 & 16 Geo. 5. c. 70.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	Subsection (2) of section twenty-one; sections twenty-three, twenty-five and twenty-six; the proviso to subsection (4) of section twenty-eight; subsection (3) of section twenty-nine, and the Third Schedule.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Section eleven.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	Section thirty.

CHAPTER 11.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty. [20th December 1929.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 5,416,670*l*. out of the Consolidated Fund for the service of the year ending 31st March 1930.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty, the sum of five million four hundred and sixteen thousand six hundred and seventy pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole four million two hundred and sixteen thousand six hundred and seventy pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred

40 & 41 Vict. c 2.

and thirty, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 1) Act, 1929 (Session 2).

CHAPTER 12.

An Act to continue certain expiring laws.

[20th December 1929.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire, as respects those mentioned in Parts I. and II. of that Schedule, on the thirty-first day of December, nineteen hundred and twenty-nine; as respects those mentioned in Part III. thereof, on the thirty-first day of March, nineteen hundred and thirty; and, as respects those mentioned in Part IV. thereof, in England on the twenty-fifth day of December, nineteen hundred and twenty-nine, and in Scotland on the twenty-eighth day of May, nineteen hundred and thirty:

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in Part I. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty.

(2) The Acts mentioned in Parts II. and III. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued, so far as they relate to England, until repealed by the Local Government Act, 1929, and, so far as they relate to Scotland, until repealed by the Local Government (Scotland) Act, 1929.

19 Geo. 5. c. 17.

19 & 20 Geo. 5. c. 25.

(3) The Acts mentioned in Part IV. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued in England until the twenty-fifth day of December, nineteen hundred and thirty, and in Scotland until the twenty-eighth day of May, nineteen hundred and thirty-one.

(4) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and application to Northern Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1929.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Northern Ireland.

SCHEDULE.

Part I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act -	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7. c. 37. 6 Edw. 7. c. 37. 7 Edw. 7. c. 44. 9 Edw. 7. c. 42. 1 & 2 Geo. 5. c. 19. 4 & 5 Geo. 5. c. 32. 8 & 9 Geo. 5. c. 20. 9 & 10 Geo. 5. c. 55.
(2) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act -	2 & 3 Geo. 5. c. 10.
(3) 4 Edw. 7. c. 24	The Wireless Telegraphy Act, 1904.	The whole Act -	6 Edw. 7. c. 13. 15 & 16 Geo. 5. c. 67. 16 & 17 Geo. 5. c. 54.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(4) 2 & 3 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act -	10 & 11 Geo. 5. c. 50.
(5) 4 & 5 Geo. 5. c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	——
(6) 4 & 5 Geo. 5. c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	6 & 7 Geo. 5. c. 13. 6 & 7 Geo. 5. c. 18. 7 & 8 Geo. 5. c. 25. 9 & 10 Geo. 5. c. 64. 10 & 11 Geo. 5. c. 5. 13 & 14 Geo. 5. c. 8.
(7) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section six.	——
(8) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	——
(9) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Sections one and two.	12 & 13 Geo. 5. c. 52.
(10) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making or revoking, in whole or in part, of Part III. of the Sale of Food Order, 1921, and provides for the enforcement, and imposes penalties for the breach, thereof.	——

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(11) 10&11 Geo.5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	——
(12) 10&11 Geo.5. c. 65.	The Employment of Women, Young Persons and Children Act, 1920.	Section two.	——
(13) 11&12 Geo.5. c. 64.	The Poor Law Emergency Provisions (Scotland) Act, 1921.	The whole Act -	13 & 14 Geo.5. c. 6. 14 & 15 Geo.5. c. 9. 15 & 16 Geo.5. c. 35. 17 Geo. 5. c. 3.
(14) 16 & 17 Geo. 5. c. 28.	The Mining Industry Act, 1926.	Section eighteen.	——
(15) 17 Geo. 5. c. 3.	The Poor Law Emergency Provisions (Scotland) Act, 1927.	Sections one, three and five.	——

PART II.

(16) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Sections seven and nine and paragraph (3) of section twenty-two.	——
(17) 6 & 7 Geo. 5. c. 55.	The Local Government (Emergency Provisions) (No. 2) Act, 1916.	The whole Act	11 & 12 Geo.5. c. 12.

PART III.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(18) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act -	2 Edw. 7. c. 42. 7 Edw. 7. c. 13. 13 & 14 Geo.5. c. 39. 15 & 16 Geo.5. c. 10.
(19) 59 & 60 Vict. c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act -	60 & 61 Vict. c. 53. 7 Edw. 7. c. 13. 1 & 2 Geo. 5. c. 49. 13 & 14 Geo.5. c. 39. 16 & 17 Geo.5. c. 47.
(20) 13&14 Geo.5. c. 39.	The Agricultural Rates Act, 1923.	The whole Act, except section fifteen.	15 & 16 Geo.5. c. 10. 16 & 17 Geo.5. c. 47.

PART IV.

(21) 10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restriction) Act, 1920.	The whole Act -	13 & 14 Geo.5. c. 32. 14 & 15 Geo.5. c. 18. 15 & 16 Geo.5. c. 32.

CHAPTER 13.

An Act to make provision with respect to an additional special grant for the purpose of improving medical service in the Highlands and Islands of Scotland. [20th December 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Additional sum for Highlands and Islands medical service. 3 & 4 Geo. 5. c. 26.

1. There shall be paid to the Highlands and Islands (Medical Service) Fund established under subsection (1) of section one of the Highlands and Islands (Medical Service) Grant Act, 1913, and applied for the purposes of that fund, in addition to the sum of forty-two thousand pounds called the Highlands and Islands (Medical Service) Grant payable under the said subsection, such sum as may be annually voted by Parliament for the purpose.

Short title.

2. This Act may be cited as the Highlands and Islands (Medical Service) Additional Grant Act, 1929, and the Highlands and Islands (Medical Service) Grant Act, 1913, and this Act may together be cited as the Highlands and Islands (Medical Service) Grant Acts, 1913 and 1929.

CHAPTER 14.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty. [6th February 1930.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto

Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 5,410,250*l.* out of the Consolidated Fund for the service of the year ending 31st March 1930.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty, the sum of five million four hundred and ten thousand two hundred and fifty pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole five million four hundred and ten thousand two hundred and fifty pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 2) Act, 1930.

CHAPTER 15.

An Act to give effect to a certain convention on the execution of Arbitral Awards and to amend subsection (1) of section one of the Arbitration Clauses (Protocol) Act, 1924.

[6th February 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Enforcement of Foreign Arbitral Awards.

Whereas a Convention, set out in the Schedule to this Act, on the Execution of Arbitral Awards was on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on behalf of His Majesty:

And whereas it is expedient that such provisions should be enacted by Parliament as will enable the said Convention to become operative in the United Kingdom:

Now, therefore, be it enacted as follows:—

Application of Part I.

1.—(1) This Part of this Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four—

(*a*) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies; and

14 & 15 Geo. 5. c. 39.

(*b*) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and (*c*) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies;

and an award to which this Part of this Act applies is in this Act referred to as "a foreign award."

(2) His Majesty may by a subsequent Order in Council vary or revoke any Order previously made under this section.

Effect of foreign awards.

2.—(1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable in England either by action or under the provisions of section twelve of the Arbitration Act, 1889.

52 & 53 Vict. c. 49.

(2) Any foreign award which would be enforceable under this Part of this Act shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of those persons by way of defence, set off or otherwise in any legal proceedings in England, and any references in this Part of this Act to enforcing a foreign award shall be construed as including references to relying on an award.

Conditions for enforcement of foreign awards.

3.—(1) In order that a foreign award may be enforceable under this Part of this Act it must have—

(*a*) been made in pursuance of an agreement for arbitration which was valid under the law by which it was governed;

(*b*) been made by the tribunal provided for in the agreement or constituted in manner agreed upon by the parties;

(*c*) been made in conformity with the law governing the arbitration procedure;

(*d*) become final in the country in which it was made;

(*e*) been in respect of a matter which may lawfully be referred to arbitration under the law of England;

and the enforcement thereof must not be contrary to the public policy or the law of England.

(2) Subject to the provisions of this subsection, a foreign award shall not be enforceable under this Part

Part I. —*cont.*

of this Act if the court dealing with the case is satisfied that—

(*a*) the award has been annulled in the country in which it was made; or

(*b*) the party against whom it is sought to enforce the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case, or was under some legal incapacity and was not properly represented; or

(*c*) the award does not deal with all the questions referred or contains decisions on matters beyond the scope of the agreement for arbitration:

Provided that, if the award does not deal with all the questions referred, the court may, if it thinks fit, either postpone the enforcement of the award or order its enforcement subject to the giving of such security by the person seeking to enforce it as the court may think fit.

(3) If a party seeking to resist the enforcement of a foreign award proves that there is any ground other than the non-existence of the conditions specified in paragraphs (*a*) (*b*) and (*c*) of subsection (1) of this section, or the existence of the conditions specified in paragraphs (*b*) and (*c*) of subsection (2) of this section, entitling him to contest the validity of the award, the court may, if it thinks fit, either refuse to enforce the award or adjourn the hearing until after the expiration of such period as appears to the court to be reasonably sufficient to enable that party to take the necessary steps to have the award annulled by the competent tribunal.

Evidence.

4.—(1) The party seeking to enforce a foreign award must produce—

(*a*) the original award or a copy thereof duly authenticated in manner required by the law of the country in which it was made; and

(*b*) evidence proving that the award has become final; and

(*c*) such evidence as may be necessary to prove that the award is a foreign award and that the conditions mentioned in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of the last foregoing section are satisfied.

(2) In any case where any document required to be produced under subsection (1) of this section is in a foreign language, it shall be the duty of the party seeking to enforce the award to produce a translation certified as correct by a diplomatic or consular agent of the country to which that party belongs, or certified as correct in such other manner as may be sufficient according to the law of England.

(3) Subject to the provisions of this section, rules of court may be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, with respect to the evidence which must be furnished by a party seeking to enforce an award under this Part of this Act.

15 & 16 Geo. 5. c. 49.

Meaning of "final award."

5. For the purposes of this Part of this Act, an award shall not be deemed final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made.

Saving.

6. Nothing in this Part of this Act shall—

(*a*) prejudice any rights which any person would have had of enforcing in England any award or of availing himself in England of any award if this Part of this Act had not been enacted; or

(*b*) apply to any award made on an arbitration agreement governed by the law of England.

Application to Scotland and Northern Ireland.

7.—(1) In the application of this Part of this Act to Scotland, the following modifications shall be made:—

(*a*) For the references to England there shall be substituted references to Scotland:

(*b*) The following shall be substituted for subsection (1) of section two:—

"(1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable by action, or if the agreement for arbitration contains consent to the registration of the award in the Books of Council

Part I. —*cont.*

and Session for execution and the award is so registered, it shall, subject as aforesaid, be enforceable by summary diligence":

(*c*) The following shall be substituted for subsection (3) of section four:—

"(3) The Court of Session shall, subject to the provisions of this section, have power to make rules by Act of Sederunt with respect to the evidence which must be furnished by a party seeking to enforce in Scotland an award under this Part of this Act."

(2) In the application of this Part of this Act to Northern Ireland, the following modifications shall be made:—

(*a*) For the references to England there shall be substituted references to Northern Ireland:

(*b*) The following shall be substituted for subsection (1) of section two:—

"(1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable either by action or in the same manner as the award of an arbitrator under the provisions of the Common Law Procedure Amendment Act (Ireland), 1856":

19 & 20 Vict. c. 102.

(*c*) For the reference to section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, there shall be substituted a reference to section sixty-one of the Supreme Court of Judicature (Ireland) Act, 1877, as amended by any subsequent enactment.

40 & 41 Vict. c. 57.

Part II.

AMENDMENT OF ARBITRATION CLAUSES (PROTOCOL) ACT, 1924, AND SHORT TITLE.

Amendment of s. 1 of 14 & 15 Geo. 5. c. 39.

8. Section one of the Arbitration Clauses (Protocol) Act, 1924 (which provides for the staying of legal proceedings in a court in respect of matters to be referred to arbitration under agreements to which the Protocol applies), shall have effect as though in subsection (1) thereof after the words "unless satisfied that the agree-"ment or arbitration has become inoperative or cannot "proceed" there were inserted the words "or that "there is not in fact any dispute between the parties "with regard to the matter agreed to be referred." Part II. —*cont.*

9. This Act may be cited as the Arbitration (Foreign Awards) Act, 1930. Short title.

SCHEDULE.

Convention on the Execution of Foreign Arbitral Awards.

Article I.

In the territories of any High Contracting Party to which the present Convention applies, an arbitral award made in pursuance of an agreement, whether relating to existing or future differences (hereinafter called "a submission to arbitration") covered by the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, shall be recognised as binding and shall be enforced in accordance with the rules of the procedure of the territory where the award is relied upon, provided that the said award has been made in a territory of one of the High Contracting Parties to which the present Convention applies and between persons who are subject to the jurisdiction of one of the High Contracting Parties.

To obtain such recognition or enforcement, it shall, further, be necessary :—

(*a*) That the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;

(*b*) That the subject-matter of the award is capable of settlement by arbitration under the law of the country in which the award is sought to be relied upon;

(*c*) That the award has been made by the Arbitral Tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;

(*d*) That the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to *opposition*, *appel* or *pourvoi en cassation* (in the countries where such forms of procedure exist) or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;

(*e*) That the recognition or enforcement of the award is not contrary to the public policy or to the principles of the law of the country in which it is sought to be relied upon.

Article 2.

Even if the conditions laid down in Article 1 hereof are fulfilled, recognition and enforcement of the award shall be refused if the Court is satisfied:—

(*a*) That the award has been annulled in the country in which it was made;

(*b*) That the party against whom it is sought to use the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case; or that, being under a legal incapacity, he was not properly represented;

(*c*) That the award does not deal with the differences contemplated by or falling within the terms of the submission to arbitration or that it contains decisions on matters beyond the scope of the submission to arbitration.

If the award has not covered all the questions submitted to the arbitral tribunal, the competent authority of the country where recognition or enforcement of the award is sought can, if it think fit, postpone such recognition or enforcement or grant it subject to such guarantee as that authority may decide.

Article 3.

If the party against whom the award has been made proves that, under the law governing the arbitration procedure, there is a ground, other than the grounds referred to in Article 1 (*a*) and (*c*), and Article 2 (*b*) and (*c*), entitling him to contest the validity of the award in a Court of Law, the Court may, if it thinks fit, either refuse recognition or enforcement of the award or adjourn the consideration thereof, giving such party a reasonable time within which to have the award annulled by the competent tribunal.

Article 4.

The party relying upon an award or claiming its enforcement must supply, in particular:—

(1) The original award or a copy thereof duly authenticated, according to the requirements of the law of the country in which it was made;

(2) Documentary or other evidence to prove that the award has become final, in the sense defined in Article 1 (*d*), in the country in which it was made;

(3) When necessary, documentary or other evidence to prove that the conditions laid down in Article 1, paragraph 1 and paragraph 2 (*a*) and (*c*), have been fulfilled.

A translation of the award and of the other documents mentioned in this Article into the official language of the country where the award is sought to be relied upon may be demanded. Such translation must be certified correct by a diplomatic or consular agent of the country to which the party who seeks to rely upon the award belongs or by a sworn translator of the country where the award is sought to be relied upon.

Article 5.

The provisions of the above Articles shall not deprive any interested party of the right of availing himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

Article 6.

The present Convention applies only to arbitral awards made after the coming-into-force of the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923.

Article 7.

The present Convention, which will remain open to the signature of all the signatories of the Protocol of 1923 on Arbitration Clauses, shall be ratified.

It may be ratified only on behalf of those Members of the League of Nations and non-Member States on whose behalf the Protocol of 1923 shall have been ratified.

Ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who will notify such deposit to all the signatories.

ARTICLE 8.

The present Convention shall come into force three months after it shall have been ratified on behalf of two High Contracting Parties. Thereafter, it shall take effect, in the case of each High Contracting Party, three months after the deposit of the ratification on its behalf with the Secretary-General of the League of Nations.

ARTICLE 9.

The present Convention may be denounced on behalf of any Member of the League or non-Member State. Denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately send a copy thereof, certified to be in conformity with the notification, to all the other Contracting Parties, at the same time informing them of the date on which he received it.

The denunciation shall come into force only in respect of the High Contracting Party which shall have notified it and one year after such notification shall have reached the Secretary-General of the League of Nations.

The denunciation of the Protocol on Arbitration Clauses shall entail, ipso facto, the denunciation of the present Convention.

ARTICLE 10.

The present Convention does not apply to the Colonies, Protectorates or territories under suzerainty or mandate of any High Contracting Party unless they are specially mentioned.

The application of this Convention to one or more of such Colonies, Protectorates or territories to which the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, applies, can be effected at any time by means of a declaration addressed to the Secretary-General of the League of Nations by one of the High Contracting Parties.

Such declaration shall take effect three months after the deposit thereof.

The High Contracting Parties can at any time denounce the Convention for all or any of the Colonies, Protectorates or territories referred to above. Article 9 hereof applies to such denunciation.

ARTICLE 11.

A certified copy of the present Convention shall be transmitted by the Secretary-General of the League of Nations to every Member of the League of Nations and to every non-Member State which signs the same.

CHAPTER 16.

An Act to amend the Unemployment Insurance Acts, 1920 to 1929. [6th February 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Minimum age for insurance.

1.—(1) The minimum age for entry into insurance under the principal Act shall, instead of being the age of sixteen, be the age when a person attains the age at which under the law for the time being in force his parents cease to be under an obligation to cause him to receive efficient elementary instruction or the age of fifteen, whichever is the higher.

(2) This section shall come into operation as from such date as the Minister may by regulation appoint, not being a date earlier than the date on which an enactment requiring parents to cause their children to receive efficient elementary instruction up to the age of fifteen years or some higher age, first comes into force after the commencement of this Act or later than the beginning of the insurance year next following the insurance year in which such an enactment comes into force as aforesaid.

Rates of benefit.

2.—(1) In the case of persons who have not attained the age of twenty-one years and are not by virtue of the proviso to subsection (1) of section four of the Unemployment Insurance Act, 1927, entitled to benefit at the same rate as persons who have attained that age, benefit shall be at the weekly rates set out in the First Schedule to this Act, instead of at the rates set out in the Third Schedule to the Unemployment Insurance Act, 1927.

17 & 18 Geo. 5. c. 30.

(2) The enactments providing that the weekly rate of benefit shall be increased in respect of certain dependants, shall be amended as follows :—

(*a*) The increase in respect of dependants other than children shall be nine shillings instead of seven shillings :

(*b*) Where a person entitled to benefit (not being a person entitled to an increase of the weekly rate otherwise than in respect of dependent children) has previously to becoming unemployed had in his employment and thereafter continues to employ at a rate of remuneration not less than nine shillings per week, some female person who is not residing with him to assist in the care of his dependent children, the weekly rate shall be increased by nine shillings :

(*c*) Where a person entitled to benefit (not being a person entitled to an increase of the weekly rate otherwise than in respect of dependent children) has residing with him and is wholly or mainly maintaining a father or stepfather who is unable, by reason of physical or mental infirmity, to support himself, the weekly rate shall be increased by nine shillings :

(*d*) A person entitled to benefit shall be entitled to a weekly increase of two shillings in respect of any dependent child of his who, having attained the age of fourteen but being under the age of sixteen, is unable, by reason of physical or mental infirmity, to receive full time instruction in a day school :

(*e*) The enactments aforesaid shall have effect as if references therein to the dependent children of a person entitled to benefit included references to the younger brothers, half-brothers and step-brothers, and the younger sisters, half-sisters, and step-sisters of such a person :

(*f*) For the purpose of the enactments aforesaid, an insured person shall not be deemed to be wholly or mainly maintaining any other person unless the insured person when unemployed, contributes towards the maintenance of that other person an amount not less than the amount of the increase of benefit received in respect of that other person, and when in employment (except in a case where the dependency did not arise until after the date on which the insured person became unemployed) contributed more than one-half of the actual cost of the maintenance of that other person:

(*g*) In the proviso to subsection (1) of section one of the Unemployment Insurance Act, 1922, the expression "regular wage-earning employment" shall not include employment where the amount of wage earned is less than the increase in the weekly rate of benefit, and the expression "occupation ordinarily carried on for profit" shall not include the performance of work for payment which is less in amount than the increase in the weekly rate of benefit or the provision of board and accommodation for not more than one lodger as a member of the family: 12 & 13 Geo. 5. c. 7.

Provided that the requirement in paragraph (*b*) of this subsection as to the employment of the female person previously to the insured person becoming unemployed shall not apply in any case where the necessity for employing such a female person did not arise until after the date on which the insured person became unemployed.

Amendment of s. 6 of principal Act.

3. If provision is made by regulations under the principal Act for the payment of contributions, at the option of the persons liable to pay, either by means of adhesive stamps or by some alternative method the use of which involves greater expenses in administration to the Government departments concerned than would be incurred if the contributions were paid by means of adhesive stamps, a provision may be included in the regulations for requiring any person who adopts the alternative method to pay to the Minister such fees as may be determined by the Minister, with the concurrence of the Treasury, to represent the difference between the expenses incurred by the said departments by reason of the fact that the alternative method has been adopted and the expenses which would have been incurred by the said departments if the contributions payable by that person had been paid by means of adhesive stamps.

Amendment as to disqualifications for receipt of benefit.

4.—(1) If on a claim for benefit it is proved by an officer of the Ministry of Labour that the claimant, after a situation in any employment which is suitable in his case has been notified to him by an employment exchange or other recognised agency, or by or on behalf of an employer as vacant or about to become vacant, has without good cause refused or failed to apply for such situation, or refused to accept such situation when offered to him, or if it is proved by an officer of the Ministry of Labour that a claimant has without good cause refused or failed to carry out any written directions given to him by an officer of an employment exchange with a view to assisting him to find suitable employment (being directions which were reasonable having regard both to the circumstances of the claimant and to the means of obtaining that employment usually adopted in the district in which the claimant resides) he shall be disqualified for receiving benefit for a period of six weeks or for such shorter period and from such date as may be determined by the court of referees or the umpire, as the case may be.

(2) For the purposes of this section employment shall not be deemed to be suitable employment in relation to any claimant if it is either—

(*a*) employment in a situation vacant in consequence of a stoppage of work due to a trade dispute; or

(*b*) employment in his usual occupation in the district where he was last ordinarily employed at a rate of wage lower or on conditions less favourable than those which he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation in that district or would have obtained had he continued to be so employed; or

(*c*) employment in his usual occupation in any other district at a rate of wage lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and of employees, or, failing any such agreement, than those generally recognised in that district by good employers.

Provision as to notification by employers of vacant situations.

5. With a view to securing that all vacant situations shall so far as possible be notified under subsection (1) of section four of this Act to claimants for benefit and facilitating the giving of directions under the said subsection by officers of employment exchanges, the Minister shall so far as practicable make arrangements with employers for the notification by them to employment exchanges of situations in their employments which are vacant or about to become vacant, and for that purpose the Minister shall consult associations of employers and employees, as the circumstances of the case may require.

Repeal of fourth statutory condition.

6. Condition (iv) in subsection (1) of section seven of the principal Act (which prescribes the statutory conditions for the receipt of benefit) shall cease to have effect until the expiration of this Act.

Amendment of first statutory condition for receipt of benefit.

7. Subsection (4) of section five of the Unemployment Insurance Act, 1927 (which amends the first statutory condition in relation to persons incapacitated for work by reason of some specific disease or by bodily or mental disablement) shall have effect as if after the word " disablement " there were inserted the words " or " employed in any of the employments specified in " Part II. of the First Schedule to the principal Act," and as if after the word " incapacity " there were inserted the words " or of such employment as aforesaid."

Examination and determination of claims.

8.—(1) All claims for benefit, and all questions arising in connection with such claims, shall be submitted forthwith for examination to one of the insurance officers.

(2) The insurance officer shall forthwith take into consideration any claim submitted to him for examination under this section, and if in any case the insurance officer to whom a claim has been submitted is of opinion that the claim ought to be allowed, he may himself allow the claim.

(3) If, in the case of any claim, the insurance officer is not satisfied that the claim ought to be allowed, he shall, so far as practicable, within fourteen days after the date on which the claim was submitted to him for examination, refer the matter to the court of referees for their decision:

Provided that the insurance officer may, instead of referring the matter to the court of referees, himself disallow any claim for benefit if he is of opinion that the person claiming benefit is disqualified for receiving benefit by reason of the provisions of subsection (1) of section eight of the principal Act.

(4) Where a claim is disallowed by the insurance officer, the claimant may at any time within twenty-one days of the date on which the decision of the insurance officer is communicated to him, or within such further time as the Minister may in any particular case for special reasons allow, appeal in the prescribed manner to the court of referees.

(5) Subject as hereinafter provided, an appeal shall lie to the umpire from any decision of the court of referees as follows:—

(*a*) at the instance of an insurance officer, in any case;

(*b*) at the instance of an association of employed persons of which the claimant is a member, in any case;

(*c*) at the instance of the claimant—

(i) with the leave of the court of referees, in any case in which it appears to the court that, having regard to the importance of the principle involved in the case or any other special circumstances, leave to appeal ought to be given; and

(ii) in any case in which the decision of the court of referees is not unanimous:

Provided that in any case in which a decision of a court of referees disallowing a claim is not unanimous, notice in writing of the fact shall be given by the court to the claimant within three days of the decision and an appeal under this subsection must be brought within six months of the date of the decision of the court of referees or such longer period as the umpire may in any case for special reasons allow.

(6) The decision of the umpire on any appeal from the court of referees shall be final.

(7) If on an appeal to the umpire under this section from a decision of the court of referees any person affected by the decision is requested by the umpire to attend before him on the consideration of the appeal and so attends, he shall be paid out of moneys provided by Parliament such travelling and other allowances, including compensation for loss of remunerative time, as the Minister with the sanction of the Treasury may determine.

(8) Nothing in this section shall be construed as preventing an insurance officer, a court of referees or the umpire, on new facts being brought to his or their knowledge, from revising a decision given in any particular case, but where any such revision is made, the revised decision shall have effect as if it had been an original decision, and the foregoing provisions of this section shall apply accordingly.

(9) Where a claim for benefit is allowed by a court of referees, benefit shall be payable in accordance with the decision of the court notwithstanding that an appeal to the umpire is pending, unless the appeal has been brought on the ground that the claimant ought to be disqualified under the provisions of subsection (1) of section eight of the principal Act and within twenty-one days of the date on which the decision of the court of referees was given, and any benefit paid in pursuance of the provisions of this subsection or of the next following section of this Act shall be treated, notwithstanding that the final determination of the question is adverse to the claim, as having been duly paid and shall not be recoverable from the insured contributor under the provisions of the Unemployment Insurance Acts or otherwise.

(10) The Arbitration Act, 1889, shall not apply to proceedings under this Act except in so far as it may be applied by regulations under the principal Act. 52 & 53 Vict. c. 49.

(11) In this section references to claims for benefit shall be construed as including references to questions

arising in connection with such claims, and references to allowing or disallowing a claim shall be construed as including references to determining a question in favour of or adversely to a claimant.

Provision as to payment of benefit.

9.—(1) If in any case where a claim for benefit is made by a person in respect of a benefit period immediately following a benefit period in respect of any day of which he was entitled to or received benefit, a question is raised whether the claimant has not ceased to be entitled to receive benefit either because by reason of the provisions of section four of this Act he is disqualified for the receipt of benefit or because he has failed to satisfy the condition imposed by paragraph (*b*) of subsection (2) of section fourteen of the Unemployment Insurance Act, 1927, the claimant shall, unless and until it is decided by the court of referees that the claim should not be allowed and if he is otherwise entitled to benefit, be treated as being entitled to receive benefit, and benefit shall be payable accordingly.

(2) In this section the expression "benefit period" means the period of six working days in a week in respect of which benefit is payable.

Amendment as to arrangements with associations of employed persons.

10. Section seventeen of the principal Act as amended by section ten of the Unemployment Insurance Act, 1927, shall have effect as though in subsection (1) of the said section ten all the words after "the excess is payable in at least ten weeks in the "year" were omitted.

Amendment with respect to supplementary schemes.

11. A supplementary scheme under section twenty of the principal Act may provide for the participation of the Minister in the administration of the scheme to such an extent and for such purposes as may be therein specified and for the defraying out of any funds which may be available for the purposes of the scheme of such fees or other charges as may be determined by the Minister, with the concurrence of the Treasury, in respect of the participation of the Minister in the administration of the scheme as aforesaid.

Provisions with respect to payment out of Unemployment

12.—(1) Where any payment, whether by way of grant or advance, has been made out of moneys provided by Parliament to or in respect of any person, being an insured contributor in whose case the first statutory condition is fulfilled, on account of the expenses of travelling to any place for the purpose of obtaining employment, the Minister may, whether employment has or has not been found for that person at that place, repay out of the unemployment fund to the Exchequer, in such manner as the Treasury may direct, such part of the grant or advance as may, with the consent of the Treasury, be prescribed.

Fund of travelling expenses of insured contributor;

(2) If, in the event of employment being found for a person to or in respect of whom any such grant or advance as aforesaid has been made, that person, without reasonable excuse, either fails to enter on, or within seven days of entering thereon leaves, the employment found for him, the sum repaid under this section out of the unemployment fund may be recovered from him or deducted from any benefit which may thereafter become payable to him, and if so recovered shall be paid into the unemployment fund.

Application of Unemployment Insurance Acts to employment abroad.

13. Regulations made under section thirty-five of the principal Act may provide that, subject to any prescribed conditions, where persons in the employment of a person resident or having his principal place of business in the United Kingdom are engaged outside the United Kingdom for the purpose of the execution of some particular work in employment which, if it were employment in the United Kingdom, would make them employed persons within the meaning of the Unemployment Insurance Acts, they shall, if they were immediately before leaving the United Kingdom insured contributors, be deemed for the purposes of the said Acts to be, subject to any prescribed modifications or exceptions, employed persons within the meaning thereof and insurable thereunder.

Crediting of contributions in respect of persons continuing education.

14.—(1) Subject to the provisions of this section, provision may be made by regulations for crediting with contributions any persons who, having attained the minimum age for entry into insurance, are attending schools, courses of instruction or day continuation schools recognised by the Board of Education as efficient, or junior instruction centres or classes:

Provided that contributions credited under this section shall not be taken into account for the purposes of a claim for benefit made by a person who has attained the age of eighteen years.

(2) The provisions subject to which regulations may be made under this section are as follows :—

(*a*) subject as hereinafter provided, not more than one contribution shall be credited in respect of each period of two weeks' attendance at the school, course, centre or class, and not more than twenty contributions in all shall be credited to any person :

Provided that in the case of a person attending a school (other than a day continuation school) or a course of instruction, no contributions shall be so credited unless and until that person becomes entitled to have five contributions so credited;

(*b*) any week in which a contribution is paid in respect of any person shall be excluded in calculating periods of attendance ;

(*c*) no contribution shall be credited to a person in respect of attendance at a school, course, centre or class after he attains the age of sixteen;

(*d*) no contribution shall be credited to a person in respect of any period if in either week of the period the amount of the attendance at the school, course, centre, or class is less than the minimum amount of attendance prescribed by the regulations.

(3) Provision may be made by the regulations under this section for determining how far holidays are to be included in calculating periods of attendance.

(4) This section shall come into operation on the date on which section one of this Act comes into operation.

Provision of approved courses of instruction for persons under eighteen.

15.—(1) The Minister, after consultation with the Board of Education, shall, subject to regulations made with the approval of the Treasury, make arrangements with local education authorities for the provision, so far as is practicable, of approved courses of instruction for insured contributors under the age of eighteen years who claim benefit.

(2) In any case where a person, being an insured contributor who is under the age of eighteen years and has been unemployed for such period as may be prescribed, claims benefit, it shall be the duty of the Minister, if there is an approved course of instruction at which that person can reasonably be required to attend, to cause notice in writing in the prescribed form to be given to him informing him that such a course is available, and that if he fails without good cause to attend the course he will be disqualified for the receipt of benefit, and if it is shown that such notice as aforesaid was given to any such person and that on any day he did not duly attend the course of instruction in accordance with the notice, he shall, unless he shows that he had good cause for not so attending, be disqualified for the receipt of benefit in respect of that day.

(3) For the purposes of this section the expression "approved courses of instruction" means courses of instruction approved under paragraph (v) of subsection (1) of section seven of the principal Act.

16.—(1) The period of twelve months mentioned in subsection (2) of section fourteen of the Unemployment Insurance Act, 1927 (which was extended by the Unemployment Insurance (Transitional Provisions Amendment) Act, 1929, to twenty-four months), shall be further extended to thirty-six months, and the said subsection shall have effect accordingly :

Further amendment of s. 14 (2) of 17 & 18 Geo. 5. c. 30. 19 & 20 Geo. 5. c. 19.

And accordingly the latest day in respect of which any person shall be entitled to receive benefit under the said subsection (2) of section fourteen of the Unemployment Insurance Act, 1927, as extended by the Unemployment Insurance (Transitional Provisions Amendment) Act, 1929, or by the present Act, shall be the seventeenth day of April, nineteen hundred and thirty-two.

(2) There shall be paid into the unemployment fund out of moneys provided by Parliament—

(*a*) such amounts as may be determined by the Minister with the concurrence of the Treasury to be approximately equivalent to the aggregate amount of the sums which either have at any time before the commencement of this Act been or are thereafter from time to time paid by way of benefit under the said subsection (2) as extended by the Unemployment Insurance (Transitional Provisions Amendment) Act, 1929, or as extended by this section and of the sums paid at any time after the thirty-first day of March, nineteen hundred and twenty-nine, by way of benefit under the said subsection as originally enacted to persons whose benefit years began in the period between the thirty-first day of March and the nineteenth day of April in the year nineteen hundred and twenty-nine; and

(*b*) an amount approximately equivalent to the expenses incurred by the Minister in administering the benefit aforesaid.

(3) Paragraph (*c*) of the said subsection (2) shall cease to have effect until the expiration of this Act.

(4) Notwithstanding anything in the said subsection (2), the provisions of subsection (3) of section five of the Unemployment Insurance Act, 1927, shall not apply in relation to the conditions imposed by paragraph (*b*) of the said subsection (2).

(5) The amounts paid into the unemployment fund under subsection (2) of this section shall not be treated as receipts paid into that fund within the meaning of the proviso to subsection (3) of section twelve of the principal Act, and the maximum sum applicable under the said proviso as an appropriation in aid shall be increased by a sum equal to the amount paid into the unemployment fund under paragraph (*b*) of the said subsection (2).

(6) Subsection (2) of this section shall come into operation on the passing of this Act.

Minor amendments.

17. The amendments specified in the second column of the Second Schedule to this Act, being minor amendments of the principal Act and of the enactments amending that Act, shall have effect in the provisions of that Act or those enactments specified in the first column of that Schedule until the expiration of this Act.

18. In the application of this Act to Scotland— Application to Scotland.

(*a*) a reference to the Scottish Education Department shall be substituted for any reference to the Board of Education; and

(*b*) a reference to continuation classes shall be substituted for any reference to continuation schools; and

(*c*) a reference to efficient education shall be substituted for any reference to efficient elementary instruction.

19.—(1) The Minister may make regulations under section thirty-five of the principal Act for providing, in the case of any persons who are insured at the commencement of this Act under the Unemployment Insurance Acts and whose position is or may be affected by any of the provisions of this Act, for the transition from the provisions of those Acts to those provisions as amended by this Act, and, in particular, for enabling claims to benefit made by such persons or classes of persons as may be prescribed to be determined as if sections four, six, eight and nine, and subsections (3) and (4) of section sixteen of this Act had come into operation on such date, not being earlier than the thirty-first day of January, nineteen hundred and thirty, as may be prescribed, and for the payment of benefit at any time after the said date in respect of any such claims which are allowed. Transitory provisions.

(2) This section shall come into operation on the passing of this Act.

20.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:— Interpretation, repeal, application, short title and commencement.

"Benefit" means unemployment benefit:

"Insured contributor" means a person insured under the principal Act:

"The Minister" means the Minister of Labour:

"Employment exchange" has the same meaning as the expression "labour exchange" in the Labour Exchanges Act, 1909, and includes a branch employment office and a juvenile employment bureau: 9 Edw. 7. c. 7.

10 & 11 Geo. 5. c. **30.** "The principal Act" means the Unemployment Insurance Act, 1920:

"The Unemployment Insurance Acts" means the Unemployment Insurance Acts, 1920 to 1929.

(2) The expression "insurance officer" in the Unemployment Insurance Acts and this Act means an insurance officer appointed under section twelve of the principal Act.

(3) The enactments set out in the Third Schedule to this Act shall to the extent mentioned in the third column of that Schedule cease to have effect until the expiration of this Act.

(4) The provisions of this Act amending section forty-one of the principal Act shall have effect so as to amend that section (as amended by any subsequent enactment, including any Order in Council made under the Government of Ireland Act, 1920) in its application to Northern Ireland, but save as aforesaid this Act shall not apply to Northern Ireland. 10 & 11 Geo. 5. c. 67.

(5) This Act may be cited as the Unemployment Insurance Act, 1930, and shall be construed as one with the Unemployment Insurance Acts, and those Acts and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1930.

(6) Any reference in this Act to the Unemployment Insurance Acts, or to any of those Acts or to any provision in any of those Acts shall, unless the context otherwise requires, be construed as a reference to those Acts, that Act or that provision in that Act, as the case may be, as amended by this Act.

(7) This Act shall, except as otherwise expressly provided, come into operation on the thirteenth day of March, nineteen hundred and thirty.

(8) This Act shall continue in force until the thirtieth day of June, nineteen hundred and thirty-three, and no longer, and thereafter the Unemployment Insurance Acts, 1920 to 1929, shall have effect as if this Act had not been passed.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

WEEKLY RATES OF UNEMPLOYMENT BENEFIT IN CASE OF PERSONS UNDER THE AGE OF TWENTY-ONE YEARS.

	s.	*d.*
1. Persons who have attained the age of eighteen years:		
Young men - - - - -	14	0
Young women - - - - -	12	0
2. Persons who have attained the age of seventeen years but are under the age of eighteen years:		
Boys - - - - - - -	9	0
Girls - - - - - - -	7	6
3. Persons who are under the age of seventeen years:		
Boys - - - - - - -	6	0
Girls - - - - - - -	5	0

SECOND SCHEDULE.

Section 17

MINOR AMENDMENTS.

Enactments to be amended.	Amendment.
The Unemployment Insurance Act, 1920:	
Section 5 - - - -	Subsection (5) shall, so far as it relates to persons of the age of sixty-five years or upwards, be repealed.
Section 22 - - -	In subsection (2) for the words "refuses or neglects to comply "with any of the requirements "of this Act or the regulations "made thereunder," there shall be substituted the words "is "guilty of any contravention

2nd Sch. —*cont.*

Enactments to be amended.	Amendment.
Section 22—*cont.*	“ of or non-compliance with any “ of the requirements of this “ Act or the regulations made “ thereunder in respect of which “ no special penalty is provided.”
Section 28	In subsection (1) after the words “ any contributions paid by “ them respectively ” there shall be inserted the words “ within the prescribed period,” and for the words “ subject, in “ the case of the employed person’s contributions, to the deduction of any amount received by him in respect of “ unemployment benefit to “ which he would not have been “ entitled if those contributions “ had not been paid ” there shall be substituted the words “ subject, in the case of the “ employed person’s contributions, to the deduction of an “ amount not exceeding the “ aggregate sum received by “ him by way of benefit since “ the date on which the first “ contribution paid in error “ within the prescribed period “ was paid.”
Section 41	The following words shall be added at the end of subsection (4):— “ or unless he is a person who, being a soldier, extended his service for the purpose of undergoing a vocational training course and was, more than three months before the date on which the extended period of his service with the colours would be completed, discharged whilst serving at home for the purpose of enabling him to take up civil employment which could not be held open.”

Enactments to be amended.	Amendment.
The Unemployment Insurance Act, 1922:	
Section 1 - - - -	In the proviso to subsection (1) after the words “ having ” there shall be inserted the words “ or assisting in ”.
Section 14 - -	In subsection (1) after the words “ a person not in receipt of benefit ” there shall be inserted the words “ or in receipt of less than the full amount of benefit to which he was entitled,” after the words “ had been in receipt of benefit” there shall be inserted the words “ or in receipt of the full amount of benefit to which he was entitled,” and after the words “ by that person for benefit,” there shall be inserted the words “ or for the full amount of benefit.”
The Unemployment Insurance (No. 2) Act, 1924:	
Section 6 - - -	In paragraph (*a*) for the words “ the benefits to which any officers, inspectors or servants employed for the purposes of the principal Act will on their retirement become entitled under the Superannuation Acts, 1834 to 1919 ” there shall be substituted the words “ any superannuation allowances, lump sums, or gratuities to which any officers, inspectors or servants employed for the purposes of the principal Act, or the legal personal representatives of any such persons, will become entitled under the Superannuation Acts, 1834 to 1919.”

2nd Sch. *—cont.*

Enactments to be amended.	Amendment.
The Unemployment Insurance Act, 1927:	
Section 5 - - -	In subsection (2) after the words "statutory conditions" there shall be inserted the words "and to the disqualifications for the receipt of benefit respectively."
Section 8 - - -	In subsection (2) for the words "the age of sixteen years and are under the age of eighteen" there shall be substituted the words "the age for entry into insurance and are under the age of twenty-one."

Section 20.

THIRD SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 30.	The Unemployment Insurance Act, 1920.	In subsection (1) of section seven the words from "provided that "a person" to the words "good employers," section eleven and section thirty.
11 & 12 Geo. 5. c. 15.	The Unemployment Insurance (No. 2) Act, 1921.	In section ten, the words "or the fourth."
12 & 13 Geo. 5. c. 7.	The Unemployment Insurance Act, 1922.	Subsection (2) of section one.
13 & 14 Geo. 5. c. 2.	The Unemployment Insurance Act, 1923.	Subsection (2) of section nine.

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Geo. 5. c. 30.	The Unemployment Insurance (No. 2) Act, 1924.	In section three the words " and (iv)," and the words " (iv) that he is " genuinely seeking " work but unable to " obtain suitable em- " ployment," and in subsection (2) of section seven, the words " a re- " commendation " and the words " or recom- " mendation " and the words from " any ques- " tion " to the end of the section.
17 & 18 Geo. 5. c. 30.	The Unemployment Insurance Act, 1927.	Paragraph (*b*) of subsection (2) of section four, in subsection (2) of section fourteen the words from " and (*c*) " that " to " during that " period," the words " and (*c*) " and the words from " In the " case of any person " formerly," to the end of subsection (2), and paragraphs 2, 3, 4 and 5 of the Third Schedule.

CHAPTER 17.

An Act to consolidate the enactments relating to the relief of the poor in England and Wales.
[20th March 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

Central Authority.

Authority and control of the Minister of Health.

1.—(1) The Minister of Health (hereinafter in this Act referred to as the Minister) is, subject to the provisions of this Act, charged with the direction and control of all matters relating to the administration of relief to the poor throughout England and Wales, according to the law in force for the time being:

Provided that nothing in this Act shall be construed as enabling the Minister to interfere in any individual case for the purpose of ordering relief.

(2) Except where otherwise provided by this Act, all powers given by this Act, and all powers given by every other Act, whether public general or local, relating to—

- (*a*) the building, altering or enlarging of workhouses;
- (*b*) the acquisition and disposal of workhouses and the sites thereof;
- (*c*) the preparation of houses for the reception of poor persons, and the dieting, clothing, employment and government of such persons;

and all other powers of regulating and conducting workhouses and of the government, care, and employment of poor persons therein, and all powers auxiliary to any of the powers aforesaid or in any way relating to the relief of the poor, shall be exercised by the persons authorised by law to exercise the powers, under the control and subject to the rules, orders and regulations of the Minister.

Local Authorities.

Administration of poor law by councils of

2. The law relating to the relief of the poor shall be administered locally by the councils of counties and county boroughs, and in the administration thereof a member of

a county council or county borough council or of a committee or sub-committee of such a council shall not, save as otherwise expressly provided by this Act or by any rules, orders or regulations of the Minister made thereunder, be capable of acting by virtue of his office except at a meeting of the council, committee or sub-committee.

counties and county boroughs.

Power to combine councils for special purposes.

3.—(1) Where any two or more councils, whether councils of counties or county boroughs, consider that it is expedient that the areas of the councils should be combined for any purpose connected with the administration of their functions under this Act and make application to the Minister for the purpose, the Minister may make an order for combining the areas of the councils for the purposes named therein.

(2) Where it appears to the Minister that the combination of the areas of any two or more councils, whether councils of counties or county boroughs, for any purposes connected with the administration of their functions under this Act would tend to diminish expense or would otherwise be of public or local advantage, the Minister may make an order for combining the areas of the councils for the purposes named therein:

Provided that an order shall not be made under this subsection except after a local inquiry, unless all the councils whose areas are to be so combined consent.

(3) An order under this section may establish for the purposes of the order a joint committee of the councils and may constitute the joint committee a body corporate with perpetual succession and a common seal and with power to hold land for the purposes of their functions without licence in mortmain.

(4) Any such order shall define the functions of the joint committee and regulate the election, meetings and business of the joint committee, the mode of defraying the expenses of the joint committee, and any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order, and may provide for making applicable, subject to the necessary modifications, to the joint committee any of the provisions of Parts I, VII or VIII of the Local Government Act, 1929 (including any of the provisions of the said Part I repealed by this Act).

19 Geo. 5. c. 17.

PART I. —*cont.*

(5) A council included in such a combination as aforesaid shall, save as otherwise provided by the order effecting the combination, cease to exercise any functions vested by the order in the joint committee.

(6) An order under this section may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the order, and every such order may be altered or revoked by an order made in like manner and subject to the like provisions as the original order.

(7) Every order made under this section shall, as soon as may be after it is made, be laid on the Table of both Houses of Parliament, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after the order has been laid before it, praying that the order may be annulled, the order shall be annulled, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

Local Administration.

Public assistance committee.

4.—(1) The public assistance committee of the council of every county and county borough shall be constituted in such manner as may be provided by the administrative scheme for the county or county borough, and if the scheme so provides—

(*a*) any other committee of the council, or the members for the time being of any other such committee, may act as the public assistance committee; and

(*b*) there may be included in the public assistance committee, or among any members of another committee acting as such, persons who are not members of the council, some of whom shall be women,

so, however, that of the whole number of members of the public assistance committee or committee or body acting as such, two-thirds at least shall be members of the council.

(2) All matters relating to the exercise by the council of any county or county borough of their functions under this Act, except the power of raising a rate or borrowing money, shall stand referred to the public assistance committee of the council, and the council before exercising any such functions shall, unless in their opinion the matter is urgent, receive and consider the report of the public assistance committee with respect to the matter in question.

(3) The council may, if the scheme so provides, delegate to the public assistance committee, with or without any restrictions or conditions as they think fit, any of the functions of the council under this Act except the power of raising a rate or borrowing money.

(4) Any of the functions of the public assistance committee may, if the scheme so provides, be discharged on behalf of, and subject to the general direction and control of, that committee by any of the other committees of the council.

(5) Subsections (2), (3) and (4) of this section shall not extend to the county of London.

Guardians committees and sub-committees in counties.

5.—(1) Every county shall be divided into such areas as may be provided by the administrative scheme for the county so, however, that every such area shall consist of one or more county districts:

Provided that, where a county district is not wholly comprised within one county, the portion of the district situate within any county shall, for the purposes of this section, be treated as if it were a separate district.

(2) For every such area there shall be a local sub-committee of the public assistance committee (to be called the guardians committee of the area); and every guardians committee shall be constituted in such manner as may be provided by the scheme for the county and shall consist of not more than thirty-six nor less than twelve members, who shall be—

(*a*) members for the time being of the council of the county district or of every county district comprised in the area, as the case may be, nominated by the council thereof:

Part I.
—*cont.*

(*b*) members for the time being of the county council representing electoral divisions wholly or partly comprised in the area:

(*c*) persons (not being elected members of the county council and including women as well as men) appointed by the county council, so, however, that the number of persons so appointed shall not exceed one-third of the total number of members of the committee.

(3) Every guardians committee or a sub-committee thereof shall, subject to such general or special restrictions or conditions as the county council may from time to time impose, discharge, in accordance with the provisions of the scheme, such of the functions of the council under this Act as relate to the following matters—

(*a*) the consideration and examination of applications for relief:

(*b*) the determination of the nature and amount of the relief, if any, to be given to such applicants:

(*c*) the determination of the amount, if any, to be paid by any recipient of relief, or the persons liable for his maintenance, towards reimbursing the council the amount expended by them on his relief:

(*d*) the visiting, inspection or management, if the public assistance committee so request, of any poor law institutions in the area for which the guardians committee is appointed:

so, however, that the functions to be delegated under this subsection shall not include the appointment or dismissal of any officer.

(4) In appointing persons other than elected members of the county council to be members of any guardians committee, a county council shall have regard to the desirability of including persons who were members of poor law authorities immediately before the commencement of this Act and other persons of experience in the matters to be dealt with by the committee.

PART I. —*cont.*

(5) Consultation between the public assistance committee and the guardians committee of any area upon business relating specially to that area shall be effected in such manner as the scheme may provide, and in particular every guardians committee shall, in accordance with the provisions of the scheme, have power to nominate their chairman or other representative to be present at any meeting of the public assistance committee at which business specially relating to the area of the guardians committee is to be transacted. Any person so nominated shall be entitled to take part in the proceedings at any such meeting, so far as they relate specially to the area of the guardians committee by whom he was nominated, but not to vote.

(6) A guardians committee shall sit at such place as may be determined by the scheme, and any local authority (including any local authority not concerned with the relief of the poor) shall allow a guardians committee or any sub-committee thereof to use free of charge for the purposes of their meetings, at any time when not required for the use of the local authority, any premises belonging to the authority.

(7) Upon representations made by the council of any county that special circumstances exist in that county, or in any part thereof, the Minister may, if he thinks fit, direct that the provisions of this section shall not apply as respects that county or part.

(8) This section shall not extend to the county of London.

Sub-committees of public assistance committees in county boroughs.

6.—(1) Where the administrative scheme for any county borough provides for the appointment of sub-committees of the public assistance committee consisting wholly or partly of members of that committee, a majority of the members of every such sub-committee shall be members of the council of the county borough, and if the scheme provides for the appointment as members of any such sub-committee of persons who are not members of the council, women as well as men shall be included, and regard shall be had to the desirability of including persons who were members of poor law authorities immediately before the commencement of this Act and other persons of experience in the matters delegated or referred to the sub-committee.

Part I. —*cont.*

(2) The functions of any such sub-committee shall be such as may be determined by the scheme.

Disqualification for membership of committees and sub-committees.

7. A person shall be disqualified for being a member of a committee or sub-committee thereof, constituted under an administrative scheme, who would be disqualified for becoming or being a member of the council by which the committee is appointed, and a person who acts as a member of such a committee or sub-committee when disqualified shall be liable to the like penalties as if he had acted as a member of the council.

Consultation as to provision of hospital accommodation.

8. The council of every county and county borough shall, when making provision for hospital accommodation in discharge of their functions under this Act, consult with such committee or other body as they consider to represent both the governing bodies and the medical and surgical staffs of the voluntary hospitals providing services in or for the benefit of the county or county borough as to the accommodation to be provided and as to the purposes for which it is to be used.

Central Authority's Inspectors.

Appointment, functions and salaries of inspectors.

9.—(1) The Minister shall, subject to the consent of the Treasury as to number, by order appoint inspectors for the purpose of assisting in the execution of this Act, and may assign to the inspectors such duties as the Minister may think fit, and the Minister may remove any such inspector.

(2) An inspector appointed under this Act shall be entitled to visit and inspect every workhouse or place wherein any poor person in receipt of relief is lodged, and to attend any meeting of a county or county borough council or committee or sub-committee held for the relief of the poor, and to take part in the proceedings, but not to vote at the meeting.

(3) There shall be paid to every such inspector such salary as the Treasury may determine.

Local Authorities' Officers.

Appointment, functions and salaries of officers.

10.—(1) The Minister may, by order, direct the council of any county or county borough or any two or more such councils whose areas he may by the order declare to be united for the purpose only of appointing and paying officers, to appoint such paid officers, with such qualifications as the Minister thinks necessary, for superintending or assisting in the administration of the relief of the poor in the county or county borough or united areas, and for otherwise carrying the provisions of this Act into execution.

(2) The salaries of such officers shall be paid by the council of the county or county borough or by the councils of the united areas, as the case may be, in the manner and proportions fixed by the Minister.

(3) The Minister may define the duties to be performed by officers concerned with the relief of the poor, and the limits within which such officers are to act in the performance of their duties, and direct the mode of appointment and determine the continuance in office or dismissal of such officers, and the amount and nature of the security to be given by such of them as the Minister thinks ought to give security, and may, if he thinks fit, regulate the amount of their salaries and the time and mode of payment thereof.

Power of Minister to appoint officers in default of appointment by councils.

11.—(1) If the council of any county or county borough fail for a period of twenty-eight days after receipt of a requisition from the Minister in that behalf to appoint, either originally or on a vacancy, any officer whom they are lawfully required to appoint under this Act, the Minister may, at any time after the expiration of that period, by order, appoint a fit person to be that officer, and determine the salary or remuneration to be paid to him by the council.

(2) The person so appointed shall be entitled to recover the salary or remuneration so determined from the council of the county or county borough, and shall have all the powers, rights and privileges, and shall discharge all the same duties and incur the same responsibilities, as if the appointment had been duly made by the council.

(3) In its application to the county of London, this section shall extend to officers whom the London County Council are by law authorised to appoint under this Act as well as to those whom they are lawfully required to appoint thereunder, and shall have effect as if for the reference in subsection (1) thereof to a period

PART I. —*cont.*

of twenty-eight days there were substituted a reference to a period of fourteen days.

Disqualification for office.

12. No person who has been convicted of felony, fraud or perjury shall be eligible to hold any office under the council of any county or county borough, being an office to which appointments are made under this Act.

Power of Minister to remove or suspend officers.

13.—(1) The Minister may, by order, either upon or without any suggestion or complaint in that behalf from the council of a county or county borough, remove or suspend any paid officer of the council, appointed under this Act, whom he considers unfit for or incompetent to discharge his duties, or who at any time refuses or wilfully neglects to obey and carry into effect any rules, orders, and regulations made by the Minister, and may require the council to appoint a fit and proper person in his place.

(2) Any person so removed or suspended shall not be competent to be appointed to or to fill any paid office connected with the relief of the poor in any county or county borough except with the consent of the Minister.

(3) An order made by the Minister under subsection (1) of this section, in which the Minister declares that the urgency of the case requires that the order shall take effect within a period of fourteen days, shall come into force at such time as the Minister by the order directs, notwithstanding that fourteen days have not expired since a copy of the order has been sent by the Minister as required by this Act.

PART II.

RELIEF OF THE POOR.

Duties of Family and Local Authority respectively.

Duty of family to relieve and maintain poor persons.

14.—(1) It shall be the duty of the father, grandfather, mother, grandmother, husband or child, of a poor, old, blind, lame or impotent person, or other poor person not able to work, if possessed of sufficient means, to relieve and maintain that person.

(2) The mother of an illegitimate child, so long as she is unmarried or a widow, shall be bound to maintain the child as part of her family until the child attains the age of sixteen:

Provided that, as respects any female child who before the passing of the Age of Marriage Act, 1929, married under the age of sixteen, this subsection shall not apply after the marriage.

Part II. *—cont.* 19 & 20 Geo. 5. c. 36.

(3) A man who marries a woman having a child (whether legitimate or illegitimate) at the time of the marriage shall be liable to maintain the child as part of his family, and shall be chargeable with all relief granted to or on account of the child until the child attains the age of sixteen, or until the death of the mother of the child, and the child shall, for the purposes of this Act, be deemed to be part of the husband's family accordingly.

(4) A married woman having separate property shall be subject—

(*a*) to all such liability for the maintenance of her husband, children and grandchildren as her husband is by law subject to for the maintenance of herself, her children and grandchildren;

(*b*) to the same liability for the maintenance of her parent or parents as an unmarried woman:

Provided that nothing in this subsection shall relieve her husband from any liability imposed on him by law to maintain her children and grandchildren.

Duty of local authority with respect to poor persons.

15.—(1) It shall be the duty of the council of every county and county borough—

(*a*) to set to work all such persons, whether married or unmarried, as have no means to maintain themselves, and use no ordinary and daily trade of life to get their living by;

(*b*) to provide such relief as may be necessary for the lame, impotent, old, blind and such other persons as are poor and not able to work;

(*c*) to set to work or put out as apprentices all children whose parents are not, in the opinion of the council, able to keep and maintain their children; and

(*d*) to do and execute all other things concerning the matters aforesaid as to the council may seem convenient.

(2) Subject to the provisions of this Act as to orders of removal, the duties of the council of a county

Part II. —*cont.*

or county borough under this section shall apply to all persons within their county or county borough.

General Provisions as to Relief.

Relief not to be given save in accordance with council's orders.

16.—(1) Save in accordance with the provisions of this Act relating to cases of sudden or urgent necessity and subject to any rules, orders or regulations made by the Minister under this Act, it shall not be lawful for any relieving officer or any other person concerned with the relief of the poor to give any relief under this Act to any poor person except such as may be ordered by the council of the county or county borough.

(2) Except as in this Act expressly provided, it shall not be lawful for a justice of the peace to order relief to any person.

Relief in sudden or urgent necessity.

17.—(1) Every relieving officer, in cases of sudden or urgent necessity, shall give such relief otherwise than in money as may be requisite, whether or not the applicant for relief is settled in the county or county borough for which the relieving officer acts, and notwithstanding that the relief may not have been ordered by the council of the county or county borough.

(2) Where any case of sudden and dangerous illness requires medical relief, any justice of the peace may, by order in writing under his hand and seal, require the relieving officer to give such relief, whether or not the person requiring the relief is settled in the county or county borough for which the relieving officer acts and notwithstanding that the relief may not have been ordered by the council of the county or county borough; and if a relieving officer disobeys any such order he shall, on summary conviction, be liable to a fine not exceeding five pounds.

(3) The council of any county or county borough may pay for any medical or other assistance which may be rendered to any poor person on the happening of any accident or sudden illness although no order has been given for the relief by them or any of their officers.

Relief to wife or child treated as relief to husband or parent.

18. All relief given to or on account of a wife shall be considered as given to her husband, and all relief given to or on account of any child under the age of sixteen, not being blind or deaf and dumb, shall be considered as given to the father of the child, or to the husband of the mother, or, if the mother of the child is unmarried or a widow, to the mother of the child, as the case may be:

Provided that—

(a) nothing in this section shall discharge the father, grandfather, mother or grandmother of any child from liability to relieve and maintain the child in pursuance of the provisions of this Act; and

(b) where the husband of a woman is beyond the seas, or in legal custody, or in confinement in a licensed house or asylum as a lunatic or idiot, or is living apart from her, all relief given to her or to her child shall, notwithstanding her coverture, be considered as given to her in the same manner and subject to the same conditions as if she were a widow, without prejudice, however, to the liability of her husband in respect of the relief.

Power to obtain maintenance orders.

19.—(1) Where a married woman requires relief without her husband, or, being a lunatic, is removed to any institution for lunatics, the council of the county or county borough to which she becomes chargeable may complain to a petty sessional court having jurisdiction in the county or county borough, and upon any such complaint the court may make an order upon the husband to pay such sum, weekly or otherwise, towards the cost of the relief of his wife, as, having regard to all the circumstances of the case, appears to them to be proper, and shall by the order determine how and to whom the payments shall from time to time be made.

(2) The council of any county or county borough shall be entitled, on complaint to a petty sessional court having jurisdiction in the county or county borough, to obtain orders of maintenance upon the relations liable under this Act to maintain any person whose relief would be chargeable to them in such manner and according to such rate as the court may order.

Reimbursement of relief out of property of person relieved.

20.—(1) Where any person in receipt of relief has in his possession or belonging to him any money or valuable security for money, the council of the county or county borough to which he is chargeable may take and appropriate, or recover as a debt, so much of the money or the produce of the security as will reimburse

PART I. —*cont.*

of twenty-eight days there were substituted a reference to a period of fourteen days.

Disqualification for office.

12. No person who has been convicted of felony, fraud or perjury shall be eligible to hold any office under the council of any county or county borough, being an office to which appointments are made under this Act.

Power of Minister to remove or suspend officers.

13.—(1) The Minister may, by order, either upon or without any suggestion or complaint in that behalf from the council of a county or county borough, remove or suspend any paid officer of the council, appointed under this Act, whom he considers unfit for or incompetent to discharge his duties, or who at any time refuses or wilfully neglects to obey and carry into effect any rules, orders, and regulations made by the Minister, and may require the council to appoint a fit and proper person in his place.

(2) Any person so removed or suspended shall not be competent to be appointed to or to fill any paid office connected with the relief of the poor in any county or county borough except with the consent of the Minister.

(3) An order made by the Minister under subsection (1) of this section, in which the Minister declares that the urgency of the case requires that the order shall take effect within a period of fourteen days, shall come into force at such time as the Minister by the order directs, notwithstanding that fourteen days have not expired since a copy of the order has been sent by the Minister as required by this Act.

PART II.

RELIEF OF THE POOR.

Duties of Family and Local Authority respectively.

Duty of family to relieve and maintain poor persons.

14.—(1) It shall be the duty of the father, grandfather, mother, grandmother, husband or child, of a poor, old, blind, lame or impotent person, or other poor person not able to work, if possessed of sufficient means, to relieve and maintain that person.

(2) The mother of an illegitimate child, so long as she is unmarried or a widow, shall be bound to maintain the child as part of her family until the child attains the age of sixteen:

Provided that, as respects any female child who before the passing of the Age of Marriage Act, 1929, married under the age of sixteen, this subsection shall not apply after the marriage.

19 & 20 Geo. 5. c. 36.

(3) A man who marries a woman having a child (whether legitimate or illegitimate) at the time of the marriage shall be liable to maintain the child as part of his family, and shall be chargeable with all relief granted to or on account of the child until the child attains the age of sixteen, or until the death of the mother of the child, and the child shall, for the purposes of this Act, be deemed to be part of the husband's family accordingly.

(4) A married woman having separate property shall be subject—

(*a*) to all such liability for the maintenance of her husband, children and grandchildren as her husband is by law subject to for the maintenance of herself, her children and grandchildren;

(*b*) to the same liability for the maintenance of her parent or parents as an unmarried woman:

Provided that nothing in this subsection shall relieve her husband from any liability imposed on him by law to maintain her children and grandchildren.

Duty of local authority with respect to poor persons.

15.—(1) It shall be the duty of the council of every county and county borough—

(*a*) to set to work all such persons, whether married or unmarried, as have no means to maintain themselves, and use no ordinary and daily trade of life to get their living by;

(*b*) to provide such relief as may be necessary for the lame, impotent, old, blind and such other persons as are poor and not able to work;

(*c*) to set to work or put out as apprentices all children whose parents are not, in the opinion of the council, able to keep and maintain their children; and

(*d*) to do and execute all other things concerning the matters aforesaid as to the council may seem convenient.

(2) Subject to the provisions of this Act as to orders of removal, the duties of the council of a county

Part II, —*cont.*

the council for the amount expended in the relief of that person during the period of twelve months before the taking and appropriation, or the institution of the proceedings for the recovery thereof, as the case may be.

(2) In the event of the death of any person in receipt of relief having in his possession or belonging to him any money or property, the council of the county or county borough in which he dies may reimburse themselves therefrom the expenses incurred in and about his burial, and in and about his maintenance at any time during the twelve months before his death.

(3) Every person who applies for relief having at the time of application in his possession and under his immediate control any money or other property of which, on inquiry made by the council of the county or county borough or by their officers, he does not make correct and complete disclosure, shall be taken to be an idle and disorderly person within the meaning of the Vagrancy Act, 1824.

5 Geo. 4. c. 83.

Workhouses.

Power to require provision of workhouse accommodation.

21.—(1) The Minister may, with the consent in writing of the council of any county or county borough, order the council to provide workhouse accommodation or additional workhouse accommodation of such size and description and in accordance with such plans and in such manner as the Minister may deem most proper for carrying this Act into effect.

(2) For the purposes aforesaid, the order may authorise the council either to acquire land by purchase or hire, and erect buildings thereon, or to acquire by purchase or hire, any workhouse, or other building capable of being converted into a workhouse, and to enlarge or alter it.

Power to order workhouses to be altered, &c.

22.—(1) The Minister may, without any such consent as is mentioned in the last preceding section, order the council of any county or county borough to enlarge or alter a workhouse, or a building belonging to them capable of being converted into a workhouse, according to such plans and in such manner as the Minister considers most proper for carrying the provisions of this Act into execution, or to provide proper drainage, ventilation, fixtures, furniture, surgical and medical appliances and other conveniences at any workhouse.

Part II.—*cont.*

(2) Where the council of any county or county borough consider it expedient to make any enlargement, alteration or improvement of any of their workhouses, or the premises, drainage or other appurtenances belonging thereto, at a cost not exceeding five hundred pounds, and the Minister gives his consent, they shall not require any order of the Minister to enable them to execute the work.

Power to regulate workhouses

23.—(1) The Minister may make rules, orders and regulations for the government of workhouses and the preservation of order therein, for the classification of persons to be relieved in the several workhouses of the same county or county borough, and for the nature and amount of the relief to be given to, and the labour to be exacted from, the persons relieved in workhouses.

(2) Subject to such rules, orders and regulations as aforesaid, the council of any county or county borough may prescribe a task of work to be done by any person relieved in a workhouse in return for the food and lodging afforded to him:

Provided that, save as otherwise expressly provided by this Act, no person shall, by reason only of his failure to perform a task of work, be detained in a workhouse later than the expiration of four hours after the hour of breakfast on the day following that of his admission into the workhouse.

Visitation of workhouses.

24. If the council of any county or county borough do not appoint a visiting committee for the purpose of visiting any of their workhouses, or if three months have elapsed during which a visiting committee have not visited a workhouse, the Minister shall appoint a visitor, not being a member of the council, at a salary to be fixed by him and paid by the council:

Provided that the appointment of any such paid visitor shall cease at the expiration of three months next after the appointment of a visiting committee by the council, subject nevertheless to his re-appointment in the event of any repetition of such failure of the council or visiting committee as aforesaid.

Power of justices to inspect workhouses.

25.—(1) Any justice of the peace having jurisdiction in the place where a workhouse is situate may visit and inspect the workhouse, at such times as he may think proper, for the purpose of ascertaining whether the rules, orders and regulations made by the Minister and

PART II. *—cont.*

applicable to the workhouse are duly observed and obeyed therein, and may examine into the state and condition of the inmates of the workhouse, and their food, clothing and bedding, and the state and condition of the workhouse.

(2) If in the opinion of the justice the rules, orders or regulations, or any of them, have not been duly observed and obeyed in the workhouse, it shall be lawful for him to summon the person offending to appear before a court of summary jurisdiction to answer any complaint touching the non-observance, and the offender shall be liable on summary conviction to a fine not exceeding five pounds.

Reception of children, &c. brought to workhouses under 8 Edw. 7. c. 67.

26. The council of every county and county borough shall provide for the reception of children and young persons brought to a workhouse in pursuance of the Children Act, 1908, and, where the place to which under that Act a child or young person is authorised to be taken is a workhouse, the master shall receive the child or young person into the workhouse if there is suitable accommodation therein, and any expenses incurred in respect of the child or young person shall be paid by the council of the county or county borough.

Workhouse registers.

27.—(1) The master of every workhouse, or such other officer as the Minister may direct, shall register in a book to be provided by the council of the county or county borough and kept specially for that purpose, the name of every person in receipt of relief in the workhouse, together with such particulars respecting the family and settlement of every such person, and his and their relief and employment as the Minister may direct.

(2) The said book shall be in such form as the Minister may appoint.

Husbands and wives in workhouses.

28.—(1) Where a husband and wife, both being above the age of sixty years, are received into a workhouse, they shall not whilst in the workhouse be compelled to live apart from one another.

(2) Where a husband and wife are admitted into a workhouse, and either of them is infirm, sick or disabled by any injury, or above the age of sixty years, the council of the county or county borough may permit them to live together, but any such case shall be reported forthwith to the Minister.

Limitation on powers of officers to punish.

29.—(1) No master of a workhouse or other person concerned in the administration of relief, shall punish with corporal punishment any adult person under his care or charge for any offence or misbehaviour whatsoever, or confine any such person for any offence or misbehaviour for more than twenty-four hours, or such further time as may be necessary in order to have him brought before a justice of the peace.

(2) No master of a workhouse shall, on any pretence, chain or confine by chains or manacles any poor person of sane mind.

Intoxicating liquors not to be introduced into workhouses without masters' orders.

30.—(1) If any person introduces, or attempts to introduce, into any workhouse any intoxicating liquor without the order in writing of the master of the workhouse, it shall be lawful for the master of the workhouse, or any officer acting under his direction, to cause that person to be apprehended and brought before a justice of the peace, and the offender shall be liable on summary conviction to a fine not exceeding ten pounds.

(2) For the purposes of this section a court of summary jurisdiction may consist of a single justice of the peace, but in that case the fine imposed shall not exceed twenty shillings.

Conduct of masters and officers of workhouses.

31.—(1) If the master of a workhouse orders any intoxicating liquor to be introduced into the workhouse, except for the domestic use of himself or of any officer of the workhouse or their respective families, or except by and under the written authority of the medical officer of the workhouse, or of a justice visiting it, or of the county or county borough council, or in conformity with any rules, orders or regulations made by the Minister, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) If the master or any other officer of a workhouse—

(*a*) introduces into the workhouse or sells, uses, lends, or gives away therein, or knowingly permits, or suffers to be introduced, sold, used, lent or given away therein, any intoxicating liquor, contrary to the rules, orders and regulations made by the Minister; or

(*b*) punishes with any corporal punishment any adult person in the workhouse; or

Part II. —*cont.*

(*c*) confines any such person for any offence or misbehaviour for more than twenty-four hours, or such further time as may be necessary in order to have him brought before a justice of the peace; or

(*d*) in any way abuses or ill-treats, or is guilty of any other misbehaviour or otherwise misconducts himself towards, or with respect to, any inmate of the workhouse,

he shall, for every such offence, be liable on summary conviction to a fine not exceeding twenty pounds.

(3) Proceedings under this section shall not be instituted except on the information of the council of the county or county borough or of an inmate of the workhouse.

Posting up of copies of two preceding sections.

32. It shall be the duty of the master of a workhouse to keep posted up in a conspicuous place in the workhouse one or more copies of the two last preceding sections, and if he fails to do so he shall be liable on summary conviction to a fine not exceeding ten pounds.

Detention in workhouse for limited periods.

33. The council of any county or county borough may direct that any inmate, or any class of inmates, shall be detained in a workhouse, after giving notice to quit, for times not exceeding the limited periods hereinafter mentioned; that is to say,

(*a*) if the inmate has not previously discharged himself from the workhouse within one month before giving the notice, twenty-four hours;

(*b*) if he has discharged himself once or oftener within that month, forty-eight hours;

(*c*) if he has discharged himself more than twice within two months before giving the notice, seventy-two hours;

(*d*) if he has, in the opinion of the council, discharged himself frequently without sufficient reason, one hundred and sixty-eight hours;

and every such inmate shall be detained in the workhouse for the time specified accordingly:

Provided that—

(i) the council may from time to time alter or rescind any such direction, and they or the visiting committee (whose direction shall be entered in the visitors' book), may exempt, either wholly or partially, any inmate from the operation of this section;

(ii) the master or other person having charge of a workhouse may, if the visiting committee are not in attendance, discharge any person to whom this section applies before the expiration of any such period as aforesaid if any circumstances in his opinion so require, and shall report the facts of the case to the council at their next meeting;

(iii) a direction requiring a longer notice than seventy-two hours to be given must be entered in the minutes, and must specify the name of the person to whom it applies;

(iv) this section shall not apply to casual poor persons.

Detention of inmate suffering from disease, &c.

34. If an inmate of a workhouse is suffering from delirium tremens or from bodily disease of an infectious or contagious character, and the medical officer of the workhouse upon examination reports in writing that the inmate is not in a proper state to leave the workhouse without danger to himself or others, the council of the county or county borough may direct the master to detain him therein, or, if the council are not sitting, the master may, until the next meeting of the council, detain him therein, and the inmate shall not be discharged from the workhouse until the medical officer certifies in writing that discharge may take place:

Provided that nothing in this section shall prevent the removal of any inmate after his parent or next-of-kin has given to the council such an undertaking as they consider satisfactory to provide for the removal, charge and maintenance of the inmate with due care and attention while the malady continues.

Boarding Houses.

Regulation of boarding contracts.

35.—(1) The Minister may make orders for regulating the mode in which a contract for the lodging, boarding, or maintenance of any poor person may be entered into by a county or county borough council with the proprietor, manager, or superintendent of any house or establishment, and the terms and duration of any such contract, and if, after the making of any such order, any contract is entered into with any such

PART II. —*cont.*

proprietor, manager or superintendent, or any person acting on his behalf, which is not in accordance with the order, the contract shall be voidable, or if the Minister so directs the contract shall be void.

(2) All payments made under or in pursuance of any contract not entered into in conformity with such order as aforesaid at any time after the Minister has declared it to be void, and has given notice of such declaration to the county or county borough council, shall be disallowed in their accounts, or the accounts of any of their officers concerned with the relief of the poor by whom payments have been made or charged.

Rules for boarding-houses.

36.—(1) The Minister may make rules, orders and regulations for the management and government of any house or establishment wherein any poor person is lodged, boarded, or maintained, for hire or remuneration, under contract with any county or county borough council, in like manner and to the same extent as he is empowered to do in the case of a workhouse, and the Minister may by any such order prohibit the reception or retention of any poor person, or any class of poor persons, in the house or establishment.

(2) The Minister may direct any such rules, orders and regulations to any person being or acting as the proprietor, manager, or superintendent, or as an officer, in any such house or establishment, and they shall come into operation as soon after they are made as may be fixed thereby, and shall be binding upon the person named therein, and, if the Minister so directs, upon every person who afterwards succeeds him in the same capacity.

(3) Nothing in this section shall extend to any institution for lunatics, nor to any hospital, infirmary, school, or other institution supported by public subscriptions and maintained for purposes of charity only.

Removal of officers of boarding-houses.

37.—(1) The Minister may, by order, remove from office any officer of any such house or establishment whom he considers unfit or incompetent to discharge the duties of his office, or who at any time refuses or wilfully neglects to obey and carry into effect any of the rules, orders or regulations issued by the Minister for the regulation of the house or establishment or of the officers or inmates thereof.

(2) Upon such removal the officer shall forthwith cease to act in his office, and shall not be entitled to any salary, wages or other remuneration in respect of any period after his removal.

Inspection and visitation of boarding-houses.

38.—(1) The Minister may appoint a person, either temporarily or permanently, to visit and inspect any such house or establishment and the persons received and maintained therein, and to make a report to him upon any inspection.

(2) There shall be paid to such visitors by the several councils, whether councils of counties or county boroughs, by whom persons have been sent to the house or establishment and are at the time of the inspection maintained therein, such remuneration as the Minister may, by order, direct.

(3) Any justice of the peace having jurisdiction in the place in which any such house or establishment is situated may visit, inspect and examine the house or establishment at such times as he may think proper for the like purpose, and with the same power, as a justice has, by virtue of this Act, in respect of a workhouse.

Special Institutions.

Blind or deaf and dumb persons.

39. The council of any county or county borough may provide for the reception, maintenance and instruction of any adult person in receipt of relief, being blind or deaf and dumb, in any institution established for the reception of persons suffering from such infirmities, and may pay the charges incurred in the conveyance of any such person to and from the institution as well as the expenses incurred in his maintenance, support and instruction therein.

Idiots, &c.

40. The council of any county or county borough may, with the consent of the Minister, send any idiot in receipt of relief to an establishment for the reception and relief of idiots whether maintained at the cost of the rates or by voluntary subscription, and may, with the like consent, send any person in receipt of relief, being an idiot or an imbecile or insane person, who may lawfully be detained in a workhouse, to a workhouse of another county or county borough with the consent of the council of that county or county borough, and pay the cost of the maintenance, clothing and lodging of that person in the

PART II. —*cont.*

establishment or workhouse, as well as the cost of his conveyance thereto or his removal therefrom, and the expenses of his burial, when necessary.

Casual Poor Persons.

Provision of casual wards.

41. The council of every county and county borough shall provide within their county or county borough such casual wards, with such fittings and furniture, as the Minister, having regard to the number of casual poor persons likely to require relief therein, considers necessary.

Diet and discipline of casual poor.

42. Every casual poor person shall, subject to the provisions of this Act, be admitted, dieted and set to work and discharged in such manner, and shall be subject to such regulations, as the Minister may prescribe, and the work so prescribed shall be in substitution for any task of work prescribed under the provisions of this Act other than those of this section.

Power to search casual poor.

43. Upon application for relief by any person representing himself to be a casual poor person, the master or other officer of the workhouse, or the relieving officer to whom the application is made, may cause him to be searched, and may take from him any money which is found upon him, and shall deliver it to the county or county borough council to be applied towards the payment of their expenses under this Act.

Discharge of casual poor.

44.—(1) A casual poor person shall not be entitled to discharge himself from a casual ward before the hour of nine o'clock in the morning of the second day following his admission, nor before he has performed the work prescribed for him in accordance with this Act.

(2) Where a casual poor person has been admitted on more than one occasion during one month into any casual ward of the same county or county borough, he shall not be entitled to discharge himself before the hour of nine o'clock in the morning of the fourth day after his admission, and he may at any time during that interval be removed by any officer of the county or county borough council concerned with the relief of the poor, or by a police constable, to a workhouse of the county or county borough, and be required to remain in the workhouse for the remainder of the period of his detention.

(3) In computing the number of days during which a casual poor person may be detained under this section, Sunday shall not be included.

Outdoor Relief.

Power of Minister to regulate outdoor relief.

45.—(1) The Minister may declare, by such rules, orders or regulations as he may think fit, to what extent and for what period the relief to be given to able-bodied persons or to their families, in any particular county or county borough or in any part thereof, may be administered out of the workhouse, either in money or by the provision of food or clothing, or partly in one way and partly in the other, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner such outdoor relief may be afforded.

(2) Subject as hereinafter in this section provided, all relief which is given by any person having the control or distribution of the funds for the relief of the poor, contrary to such rules, orders or regulations, shall be unlawful and shall be disallowed in the accounts of the person giving the relief.

(3) If the council of any county or county borough to whom any such rules, orders or regulations are addressed, upon consideration of the special circumstances of their county or county borough, or of any person or class of persons therein, are of opinion that the application and enforcement of the rules, orders or regulations, or of any part thereof, at the time or in the manner prescribed by the Minister, would be inexpedient, it shall be lawful for the council to delay the operation of the rules, orders or regulations, or of any part thereof, for any period not exceeding thirty days, to be reckoned from the day of the receipt of the rules, orders or regulations, and the council shall, twenty days at least before the expiration of that period, make a report of the special circumstances to the Minister.

(4) All relief given by the council before an answer to the report has been returned by the Minister, if otherwise lawful, shall not be deemed unlawful although given contrary to the rules, orders or regulations, or any of them, but if the Minister disapproves of the delay, or thinks that for the future the rules, orders or regulations ought to come into operation notwithstanding the special circumstances alleged by the council, he may, by a peremptory order (which may notwithstanding anything in this Act come into operation immediately),

Part II. —*cont.*

direct that from a day to be fixed thereby the rules, orders and regulations, or such parts thereof as he may think expedient and proper, shall with or without modifications be enforced and observed by the council, and if any allowance is made or relief given by the council after the day so fixed contrary to any such last-mentioned order, the amount of the relief or allowance so given shall be disallowed in the accounts of the person giving it.

(5) If the council of any county or county borough to whom any such rules, orders or regulations are addressed depart from them, or any of them, in any particular instance of emergency, and within fifteen days report the departure and the grounds thereof to the Minister, and the Minister approves of the departure, or if the relief so given has been given in food, temporary lodging, or medicine and has been so reported as aforesaid, the relief granted by the council, if otherwise lawful, shall not be unlawful or subject to be disallowed.

Power of justices to order outdoor relief to aged and infirm.

46. It shall be lawful for any court of summary jurisdiction having jurisdiction in a county or county borough by order to direct that relief shall be given to any adult person, who from old age or infirmity of body is wholly unable to work, without requiring him to reside in a workhouse, if the person is lawfully entitled to relief in the county or county borough and desires to receive relief out of a workhouse:

Provided that such an order shall not be made unless one of the justices constituting the court can certify that to his own knowledge the person is wholly unable to work as aforesaid and so certifies in the order.

Register of persons in receipt of outdoor relief.

47.—(1) The council of every county and county borough shall cause to be registered in a book to be provided by them and kept specially for that purpose, the name of every person in receipt of outdoor relief in the county or county borough, together with such particulars respecting the family and settlement of every such person and his and their relief and employment as the Minister may direct.

(2) The said book shall be in such form as the Minister may appoint.

Outdoor relief to members of friendly societies, &c.

48.—(1) In granting outdoor relief to a member of a friendly society, the council of a county or county borough shall not take into consideration any sum received from the friendly society as sick pay except so far as it exceeds five shillings a week: subject as aforesaid in estimating the amount of relief to be granted to any such member it shall be at the discretion of the council whether they will or will not take into consideration the amount received by him from the friendly society.

(2) In granting outdoor relief to a person in receipt of or entitled to receive any benefit under the National Health Insurance Acts, 1924 to 1928, the council of a county or county borough shall not take into consideration any such benefit, except so far as it exceeds seven shillings and sixpence a week.

Relief by Way of Loan.

Grant of relief by way of loan.

49. Any relief, or the cost thereof, given to or on account of any person above the age of twenty-one, or to his wife, or to any member of his family under the age of sixteen, which the Minister by any rule, order or regulation directs to be given or considered as given by way of loan, shall be considered a loan to that person, whether or not any receipt for, or engagement to repay, the relief or the cost thereof, or any part thereof, has been given by the person to or on account of whom the relief was given.

Recovery of relief by way of loan.

50.—(1) Any relief granted by way of loan to any person may be recovered in the county court or other court for the recovery of small debts, on the plaint of the council of the county or county borough.

(2) Where any relief has been given by way of loan, or where any relief or the cost thereof is treated as a loan in accordance with the provisions of this Act or any rules, orders or regulations made thereunder, any justice of the peace may, upon the application of the council of the county or county borough providing the relief, and upon proof that the relief was given to or on account of any person, and that the sum due or any part thereof remains unpaid, issue a summons to that person requiring him and his employer to appear before a court of summary jurisdiction, at a time and place to be named in the summons, to show cause why any wages due to

Part II. —*cont.*

him, or which may from time to time become due to him, from his employer should not be paid over, in whole or in part, to the council.

(3) If no sufficient cause is shown to the contrary, or if the person does not appear on the return of the summons, the court shall, by order, direct the employer for the time being from whom any wages are due or may from time to time become due or payable to that person to pay out of the wages to the council, either in one sum or by such weekly or other instalments as the court may think fit, having regard to the circumstances of the person and his family, the amount of the relief, or so much thereof as may from time to time be due or unpaid.

(4) The payment to, and receipt of, the council of the county or county borough shall be a good discharge to the employer for so much of the wages as are paid by virtue of any such order.

(5) If any employer refuses or neglects to pay to the council of a county or county borough producing any such order the money thereby directed to be paid according to the terms of the order, and at the periods thereby fixed, the money shall from time to time be recoverable from him summarily as a civil debt.

Recovery of relief by way of loan out of annuity or benefit.

51.—(1) Where any person in receipt of relief which has been declared by the council of any county or county borough or by their relieving officer to be by way of loan, is entitled whether as a member of a friendly society or otherwise to any annuity or periodical payment, the trustee or other person bound to make the payment may, except as hereinafter in this section provided, from time to time pay to the council out of the instalments that have become due, the cost incurred in the relief of that person since the last instalment, and the payment shall be a good discharge to the trustee or other person for the money so paid.

(2) Where the expenses of any such relief have been incurred in respect of a lunatic who is a member of a friendly society, and is as such entitled to receive any payment, the council of the county or county borough may, except as hereinafter in this section provided, recover, as a debt, from him, or in case of his death, from his executors, administrators or assigns, the sum so

expended by them, and the managing body of the society, if before the money is paid over notice is served on them by the clerk to the council, shall pay the sum to the council, and shall thereupon be discharged from any further liability in respect thereof.

Part II. —*cont.*

(3) Where the person entitled to receive such payment is entitled thereto as a member of a friendly society, then—

(*a*) if he has a wife or other relation dependent upon him for maintenance, the foregoing provisions of this section shall not apply, but the money to which he is so entitled shall, subject to any deductions for keeping up his membership required by the rules of the society, be paid or applied by the managing body of the society to or for the maintenance of his wife or relation;

(*b*) if he has no wife or relation dependent upon him, a claim shall not be made under the foregoing provisions of this section unless the council or the relieving officer have, within thirty days of declaring the relief to be by way of loan, sent notice in writing thereof to the secretary or trustees of the society.

For the purposes of this section the expression "society" includes a branch of a society.

(4) Where any trustee or other person declines to make any payment in accordance with this section, the council of the county or county borough may apply to a petty sessional court, and the court may, if satisfied that it is right in all the circumstances to do so, make an order upon him to pay to the council the required amounts—

(*a*) immediately so far as they are then due; and

(*b*) from time to time thereafter as the liability in respect of the relief arises.

(5) This section shall not have effect in respect of any relief granted contrary to the rules, orders and regulations made under this Act.

(6) Nothing in this section shall affect section seventeen of the National Health Insurance Act, 1924.

14 & 15 Geo. 5. c. 38.

Part II. —*cont.*

Powers of Parental Control.

Control of local authority over deserted children, orphans, &c.

52.—(1) Where a child is maintained by the council of any county or county borough and—

(*a*) the child has been deserted by his parent; or

(*b*) the council are of opinion that by reason of mental deficiency, or of vicious habits or mode of life, a parent of the child is unfit to have the control of the child; or

(*c*) a parent of the child is unable to perform his or her parental duties by reason of being under sentence of penal servitude or of being detained under the Inebriates Act, 1898; or

61 & 62 Vict. c. 60.

(*d*) a parent of the child has been sentenced to imprisonment in respect of any offence against any of his or her children; or

(*e*) a parent of the child is permanently bedridden or disabled and is an inmate of a workhouse, and consents to the resolution hereinafter mentioned; or

(*f*) both the parents are dead, or in the case of an illegitimate child, the mother is dead;

the council may at any time resolve that in respect of the child all the rights and powers of such parent as aforesaid, or if both parents are dead, of the parents, shall, subject as in this section mentioned, vest in the council until the child reaches the age of eighteen years, and upon the council so resolving, those rights and powers shall so vest accordingly and shall continue so vested whether the child does or does not continue to be maintained by the council:

Provided that the council may rescind the resolution if they think that it will be for the benefit of the child that it should be rescinded, or may permit the child to be, either permanently or temporarily, under the control of the parent, or of any other relation or of any friend, or of any society or institution for the care of children.

(2) A court of summary jurisdiction, if satisfied on complaint made by a parent, or if there is no parent by the guardian, of a child that there was no ground for the resolution, or that it is for the benefit of the child that the child should be either permanently or temporarily

under the control of his parent or guardian, or that the resolution of the council should be determined, may make an order accordingly, and the council shall comply with the order, and if the order determines the resolution it shall be thereby determined as from the date of the order, and the council shall cease to have the rights and powers of the parent as respects the child.

(3) For the purposes of this section a child shall be deemed to be maintained by the council of a county or county borough if the child is wholly or partly maintained by them in a workhouse or in any separate school, separate infirmary, sick asylum, hospital for infectious disease, institution for the deaf, dumb, blind or idiots, or any certified school, or is boarded out by the council, whether within or without the limits of the county or county borough.

(4) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive the council of the county or county borough of any of the powers and rights conferred on them by this section.

(5) Nothing in this section shall authorise the council of a county or county borough to cause a child to be educated in any religious creed other than that in which the child would have been educated but for any resolution of the council under this section, nor affect any provisions of this Act respecting the religious education of a child maintained by any such council, or respecting the right of any minister of the same religious persuasion as the child to visit and instruct the child.

(6) If any person—

- (*a*) knowingly assists, directly or indirectly, a child who has, in pursuance of this section, been placed under the control of the council of a county or county borough to leave, without the consent of the council, the place where the child is under that control; or
- (*b*) knowingly induces, directly or indirectly, any such child to leave that place; or
- (*c*) knowingly harbours or conceals a child who has so left that place, or prevents him from returning to that place,

he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Part II. —*cont.*

(7) In the case of any child who is deemed to be maintained by the council of any county or county borough and who is with their consent adopted by any person, the council shall, during a period of three years from the date of the adoption, cause the child to be visited at least twice in each year by some competent person appointed by them for the purpose, who shall report to them on each visit, and the council may, if they think fit, at any time during the said period revoke their consent to the adoption, and thereupon the child shall be forthwith returned to them by the person having the custody of the child :

16 & 17 Geo. 5. c. 29.

Provided that this subsection shall not apply when the adoption is effected under the Adoption of Children Act, 1926.

Schools.

Separate schools.

53.—(1) The Minister may direct the council of any county or county borough to purchase, hire or build, and to equip, buildings of such size and description and according to such plans, and in such manner, as the Minister may deem most proper, for the purpose of being used or rendered suitable as separate schools for the relief and management of the children to be received therein.

(2) The Minister may issue rules, orders and regulations for the government of any separate school and the inmates thereof as if the school were a workhouse.

(3) It shall be lawful at all times for any of His Majesty's Inspectors of Schools to visit any separate school, and to examine into the proficiency of the scholars therein.

(4) The council of a county or county borough shall have such powers for the relief and management of the children within any separate school as the Minister may direct.

(5) The council of a county or county borough shall, in the case of children in a separate school suffering from disease, have the like powers of detention as are by this Act conferred on them in the case of inmates of workhouses.

Certification of schools supported by subscriptions.

54.—(1) The Minister may, if he thinks fit, upon the application in writing of the managers of any school supported wholly or partially by voluntary subscriptions, appoint a person to examine into the condition of the school and to report to him thereon, and, if satisfied with the report, may certify that the school is fitted for the reception of such children or persons as may be sent there by a county or county borough council in pursuance of this Act.

(2) If at any time the Minister is dissatisfied with the condition or management of a certified school, he may, by notice addressed to the managers, declare that the certificate is withdrawn from such day, not less than two months after the date of the notice, as may be specified therein.

(3) For the purposes of this section, the expression "school" includes any institution established for the instruction of idiots or of blind, deaf, dumb, lame or deformed persons, but does not include any certified reformatory school.

Power to send children to certified schools.

55. Subject to the provisions of this Act as to blind children and deaf and dumb children, the council of any county or county borough may send any poor child to any certified school, if the managers of the school are willing to receive the child, and may pay the reasonable expenses incurred in the maintenance, clothing and education of the child whilst in the school, to an amount not exceeding such rate of payment as may be sanctioned by the Minister, and in the conveyance of the child to and from the school, and, in the case of death, the expenses of burial:

Provided that—

(*a*) except in the case of an orphan or a child deserted by his parents or surviving parent, a child shall not be sent to a certified school without the consent of his parents or surviving parent so, however, that in the case of an illegitimate child the consent of the mother, if she has the care, custody or possession of the child, shall be sufficient;

(*b*) nothing in this Act shall enable a county or county borough council to keep any child in a certified school against the will of the child if above the age of fourteen, or, whatever may be the age of the child, against the will of the parents or surviving parent of the child;

PART II. —*cont.*

(*c*) no child shall be sent to a certified school which is conducted on the principles of a religious denomination to which the child does not belong.

Power to remove children from certified schools.

56.—(1) If the Minister is of opinion that any person is aggrieved by any child being sent to or kept at a certified school, he may order the child to be removed, and the county or county borough council shall forthwith cause the child to be removed from the school, and every engagement previously entered into for the payment of the charges for the child shall thereupon become void for the future.

(2) The council of a county or county borough may at any time, at their discretion, and shall, if so required by the managers of the school or upon the withdrawal of the certificate, cause any child to be removed from a certified school and brought back to the county or county borough.

Inspection of certified schools.

57.—(1) Every certified school shall be open to the visitation and inspection of any inspector appointed by the Minister, who shall be empowered to make any examination into the state and management of the school which he thinks requisite and as to the condition and treatment of the children therein, and shall report thereon to the Minister.

(2) A county or county borough council by whom any child may have been sent to a certified school may from time to time appoint any person to visit and inspect the school, and the school shall at all reasonable times be open to such visitation and inspection.

Power to send deaf and dumb and blind children to special schools.

58. The council of any county or county borough may, with the approval of the Minister, send any poor deaf and dumb or blind child who is—

(*a*) an idiot or imbecile; or

(*b*) resident in a workhouse or in an institution to which he has been sent by a county or county borough council from a workhouse; or

(*c*) boarded out by a county or county borough council,

to any school fitted for the reception of such children, whether or not the school is a certified school, but save as aforesaid it shall not be lawful for the council of any county or county borough in the discharge of their functions under this Act to send any deaf and dumb or blind child to any school.

Apprentices and Servants.

Power of councils to bind children apprentices.

59.—(1) Subject to the enactments relating to the employment of children, the council of any county or county borough may bind any child whose parents are not, in the opinion of the council, able to maintain the child, to be an apprentice until the child attains the age of twenty-one years, or, being a female, marries under that age.

(2) The binding shall be as effectual for all purposes as if the child were of full age and by indenture of covenant bound himself.

Register of apprentices.

60.—(1) The council of every county and county borough shall provide a register in the form set out in the First Schedule to this Act and shall cause to be entered therein the name of every child who is bound by the council as an apprentice, or who having been so bound is assigned to some other person, and such other particulars as are required by the said form.

(2) Any person may, at all reasonable hours, inspect any such register, and may take a copy of any entry therein, in the case of any justice of the peace without fee, and in the case of any other person upon payment of a fee of sixpence.

(3) Where it is proved to the satisfaction of any court that an indenture is lost or has been destroyed, an entry in any such register shall be accepted by the court as sufficient evidence of the facts therein specified.

(4) This section shall apply to any persons (not being county or county borough councils) on whom powers of binding parish apprentices are conferred by any Act of Parliament, whether public general or local or personal, in like manner as it applies to a county or county borough council.

Duties of masters of apprentices.

61.—(1) The Minister may, by order, prescribe the duties to be performed by the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures by which children may be bound as apprentices.

Part II. *—cont.*

(2) Every master of such an apprentice who wilfully refuses or neglects to perform any of the terms or conditions so inserted in any such indenture shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) Subject to any such order as aforesaid, the provisions contained in the Second Schedule to this Act shall apply in the case of apprentices upon the binding of whom no sum, or no larger sum than five pounds, is paid.

(4) Nothing in this Act shall directly or indirectly affect the provisions of any Act relating to apprentices to the sea service.

Restrictions on discharge and transfer of apprentices.

62.—(1) It shall not be lawful for the master of an apprentice bound by the council of any county or county borough to assign him to any other person or to discharge him from his service, without the consent in writing of two justices having jurisdiction in the place where the master resides.

(2) If any such master assigns any such apprentice to any other person, or discharges him from his service without such consent as aforesaid, he shall be liable on summary conviction to a fine not exceeding ten pounds.

Change of residence of master.

63.—(1) If any person to whom a child has been bound apprentice by the council of any county or county borough removes his residence or place of business out of the county or county borough, or removes it forty miles from the parish wherein it was situated when the child was bound, he shall, at least fourteen days before the removal, give notice in writing thereof to the council of the county or county borough wherein the apprentice is then resident.

(2) The county or county borough council and the master of the apprentice shall cause the apprentice to appear before two justices of the peace having jurisdiction in the place where he is serving, who may make an order, either for the continuance or discharge of the apprenticeship or for the binding or assigning of the apprentice to some other person, as they think fit, and may also require the master to pay the amount of the premium received with the apprentice, or such portion

of it as they think fit, for the expense of binding or assigning the apprentice to some other person.

(3) If any master removes as aforesaid and takes an apprentice to any other place without such an order as aforesaid, or wilfully abandons and leaves an apprentice without giving such notice as aforesaid, he shall be liable on summary conviction to a fine not exceeding ten pounds:

Provided that proceedings for such an offence shall not be instituted after the expiration of three months from the commission of the offence.

Appeals to quarter sessions as to apprentices.

64. If any person is aggrieved by any matter or thing done, or omitted to be done, by the council of any county or county borough or by any justices of the peace, or by any other person whomsoever, under and by virtue of the provisions of this Part of this Act relating to apprentices, he may appeal to the next court of quarter sessions.

Register of young persons taken as servants.

65.—(1) The council of every county and county borough shall provide and keep a register in the form set out in the Third Schedule to this Act, and shall cause to be entered therein the name of every young person under the age of sixteen hired or taken as a servant from any of their workhouses, together with the several other particulars specified in the form.

(2) Every such entry shall be signed by the presiding chairman at an ordinary meeting of the council.

Visitation of apprentices and servants.

66.—(1) Where any young person under the age of sixteen has been bound as an apprentice by the council of any county or county borough or has gone into service from a workhouse, then, so long as the apprentice or servant is under the age of sixteen and continues in the same service and resides in the county or county borough or within five miles thereof, the council shall cause him to be visited at least twice a year, and a report to be furnished as to whether there is reason to believe that he is not supplied with the necessary food, or is subjected to cruel or illegal treatment in any respect.

(2) Where any young person under the age of sixteen has been bound as an apprentice by the council of any county or county borough or has gone into service

Part II. —*cont.*

from a workhouse, and the residence of the master or employer is more than five miles from any part of the county or county borough, written notice of the apprenticeship or service, specifying the name and age of the apprentice or servant, and the name, description and residence of the master or employer, shall be forthwith sent by the council to the council of the county or county borough in which the master or employer resides, and thereupon it shall become the duty of the last-mentioned council to cause the particulars contained in the notice to be registered in a book to be provided by them for the purpose, together with the name of the county or county borough from which the notice has been received, and they shall cause the young person to be visited as frequently, and in the same manner in all respects, as if he had been bound as an apprentice by themselves or had gone into service from one of their own workhouses.

(3) The council of any county or county borough may appoint an officer or other person to visit and report upon the condition, treatment and conduct of any young person under the age of sixteen who has gone into service from a workhouse or separate school.

Miscellaneous forms of Relief.

Power to subscribe to hospitals, &c.

67. The council of any county or county borough may, with the consent of the Minister, contribute by way of an annual subscription towards the support and maintenance of—

(*a*) any public hospital or infirmary for the reception of sick or infirm persons; or

(*b*) any institution for blind or deaf and dumb persons or for persons suffering from any permanent or natural infirmity; or any association for aiding such persons; or

(*c*) any association for providing nurses or for aiding boys and girls in service; or

(*d*) any society for the prevention of cruelty to children; or

(*e*) any other institution which appears to the council with the approval of the Minister to be calculated to render useful aid in the administration of the relief of the poor :

Provided that nothing in this section shall authorise any subscription to any institution unless the Minister is satisfied that the persons receiving relief from the council have, or could have, assistance therein in case of necessity.

Power to assist emigration.

68. The council of any county or county borough may, with the consent of the Minister and in compliance with such rules, orders, and regulations as he may prescribe, procure or assist in procuring the emigration of—

(*a*) any orphan or deserted child under the age of sixteen who is chargeable to the county or county borough;

(*b*) any other poor person who is chargeable, or would if relieved be chargeable, to the county or county borough;

(*c*) any poor person having a settlement in the county or county borough:

Provided that a council shall not procure the emigration of an orphan or deserted child unless the child has given its consent before a petty sessional court held in or near the county or county borough and a certificate of the consent under the hands of two of the justices present has been transmitted to the Minister.

Power to assist boys entering naval service.

69. If any boy not an apprentice in the merchant service who, or whose parent, is in receipt of relief, is desirous of serving in the naval service of the Crown, the council of the county or county borough may enable him to be sent for approval by the competent authority, and may pay such sum, if any, as may be required by the regulations of the service for providing outfit or otherwise, and such expenses as may be necessary to be incurred for the conveyance of the boy in charge of a proper person to and from the port or place in the United Kingdom at which he may be required to attend for examination, and, if accepted, for entry into the service.

Power to employ poor persons in cultivation of land.

70. The council of any county or county borough may employ and set to work in the cultivation of land acquired by them for the purpose such persons as the council are by this Act required to set to work, and may pay to the persons so employed by them who are not in receipt of other relief reasonable wages for their work,

Part II. —*cont.*

and the persons so employed shall have the like remedies for the recovery of their wages as other agricultural labourers.

Provisions as to Religious Creed.

Separate creed register.

71.—(1) The officer for the time being acting as the master or superintendent of a workhouse, or separate school, shall keep a register of the religious creed of the inmates of the workhouse or school, and shall, upon the admission of any person to the workhouse or school, make due inquiry into his religious creed and enter it in the register.

(2) The said register shall be kept separate from all other registers and in such form and with such particulars as may be prescribed by the Minister.

(3) In regard to any child under the age of twelve years in a workhouse or separate school, the master or superintendent shall enter in the creed register, as the religious creed of the child, the religious creed of the father, or, if the creed of the father cannot by reasonable inquiry be ascertained, the creed of the mother unless her creed cannot by reasonable inquiry be ascertained.

The creed of an illegitimate child under the said age shall be deemed to be that of his mother, when that can be ascertained.

(4) If any question arises as to the correctness of any entry in the register, the Minister may inquire into the circumstances of the case and determine the question and direct the entry to remain or to be amended.

(5) Every minister of any religious denomination officiating in the church, chapel or other registered place of religious worship of that denomination nearest to any workhouse or separate school, or any ratepayer in the county or county borough, shall be allowed to inspect the creed register between the hours of ten o'clock in the morning and four o'clock in the afternoon on any day except Sunday.

Provisions as to religious services and instruction.

72.—(1) No inmate of a workhouse or separate school shall be obliged to attend any religious service which may be celebrated in a mode contrary to his religious principles.

(2) On the request of an inmate, any licensed minister of his religious denomination may, at all times

in the day, visit a workhouse or separate school for the purpose of affording the inmate religious assistance, or for the purpose of instructing any child of the inmate in the principles of the child's religion.

(3) Any minister of any religious denomination officiating in the church, chapel or other religious place of worship of that denomination nearest to any workhouse or separate school may, in accordance with regulations to be approved or ordered by the Minister, visit and instruct any inmate of the workhouse or school entered in the creed register as belonging to the same religious creed as the minister, unless the inmate, being above the age of fourteen, and after having been visited at least once by a minister of that denomination, objects to being instructed by him.

(4) Every inmate of a workhouse for whom a religious service according to his own creed is not provided in the workhouse, may, subject to regulations to be approved or ordered by the Minister, be permitted to attend at such times as the Minister may allow some place of worship of the inmate's own denomination, if there is any such place of worship within a convenient distance of the workhouse:

Provided that the county or county borough council may, on the ground that such permission has been abused or on some other special ground, refuse permission to any particular inmate, and shall in any such case cause an entry of the refusal, and the grounds thereof, to be made in their minutes.

Religious instruction of children.

73.—(1) Where a child who is an inmate of a workhouse or a separate school is regularly visited by a minister of his own religion for the purpose of religious instruction, then, if the parents or surviving parent of the child, or, in the case of an orphan or deserted child, if such minister as aforesaid, makes a request in writing to that effect, the child shall not be instructed in any other religious creed or be required or permitted to attend the services of any other religious creed than that entered in the creed register, except where the child is over the age of twelve years and desires to receive instruction in some other creed or to attend the services of some other religious creed and is considered by the Minister to be competent to exercise his own judgment on the subject.

Part II. —*cont.*

(2) A child who, being an inmate of a workhouse or separate school, is not so regularly visited as aforesaid shall not be instructed in any religious creed (not being that professed by his parents or surviving parent) to which his parents or surviving parent object, or, in the case of an orphan or deserted child, to which his next-of-kin object.

Transfer of child to certified school of appropriate religion.

74.—(1) If, in the case of any child relieved in a workhouse or in a separate school, being a child not belonging to the established church, the parent, step-parent, nearest adult relation, or next-of-kin of the child, or, if there is no such person as aforesaid, the god-parent of the child, makes application to the Minister in that behalf, the Minister may, if he thinks fit, order that the child shall be sent to some certified school established for the reception, maintenance and education of children of the religion to which the child belongs.

(2) Upon such an order being made, the council of the county or county borough to which the child is chargeable shall cause the child to be conveyed to the school accordingly, and pay the costs and charges of the maintenance, lodging, clothing and education of the child therein.

(3) In the case of a deserted child or an orphan on behalf of whom no relation, next-of-kin, step-parent, or god-parent makes application, the Minister may exercise the power conferred upon him by this section upon being satisfied that there is reasonable ground for so doing.

Burial.

Burial of poor persons.

75.—(1) The council of any county or county borough may bury the body of any poor person which may be within the county or county borough, and may pay the costs of the burial of any poor person dying outside the county or county borough, who was at the time of his death in receipt of relief from them.

(2) Every body directed by the council of a county or county borough to be buried shall be buried either—

(*a*) in the burial ground of the parish in which the death occurred; or

Part II. —*cont.*

(*b*) if the death did not take place in a workhouse or separate school and the deceased, at the time of his death, resided in a parish within the county or county borough, in the burial ground of that parish; or

(*c*) if the death took place in a workhouse and the deceased, before his removal thereto, resided in a parish within the county or county borough, in the burial ground of that parish; or

(*d*) if the death took place in a separate school, in the burial ground of the parish from which the deceased was sent to the school, or, if he was sent to the school from a workhouse, in the burial ground of the parish from which he was sent to the workhouse; or

(*e*) where in pursuance of the powers conferred by section six of the Burial Act, 1857, or by section seventy-seven of this Act the council have acquired a right to bury in any burial ground, in that burial ground, unless the deceased in his lifetime or the wife, husband, or next-of-kin of the deceased has expressed a desire to the contrary:

20 & 21 Vict. c. 81.

Provided that—

(i) if the burial ground mentioned in paragraph (*a*), (*b*), (*c*) or (*d*) of this subsection has been closed and no other burial ground provided in its place, or if in consequence of the crowded state of such burial ground as aforesaid, the county or county borough council are of opinion that burial therein would be improper, it shall be lawful for the council to bury the body in the burial ground of some neighbouring parish;

(ii) if the deceased in his lifetime, or the wife, husband, or next-of-kin of the deceased, has expressed a desire to that effect, then, subject to the provisions of the last foregoing paragraph of this proviso, the burial shall take place in the burial ground of the parish in which the deceased resided at the time of his death, or, if the death occurred in a workhouse or separate school, in the burial ground of the

PART II. —*cont.*

parish in which the council are empowered under paragraph (*c*) or (*d*) of this subsection to bury him;

(iii) where the deceased in his lifetime, or the wife, husband or next-of-kin of the deceased, has expressed a desire that the burial shall take place in any particular burial ground (whether or not any such burial ground as is hereinbefore in this section mentioned), nothing in this section shall prevent the council from burying the body in that burial ground.

(3) In all cases of burial by or under the direction of a county or county borough council, the proper burial fees shall be paid by the council to the person entitled to receive them; and for the purpose of determining the amount of such fees, the death of any person buried in accordance with the provisions of paragraph (*c*) or (*d*) of the last foregoing subsection shall be deemed to have taken place in the parish in which his body is buried.

Recovery of expenses of burials.

76. The cost of burying any person by or under the direction of the council of a county or county borough shall be recoverable in like manner and from the same persons as the cost of any relief (if given to him when living) would have been recoverable.

Power of councils to acquire right to bury in certain burial grounds.

77.—(1) The council of any county or county borough may contribute such sum of money as the Minister may approve towards the provision or enlargement of any burial ground in the county or county borough, or the burial ground of the parish in which any workhouse of the council is situated, and, where a burial ground is provided or enlarged with the aid of such a contribution, it shall be lawful for the council to bury therein the dead body of any person dying in any of their workhouses.

(2) The council of any county or county borough may enter into agreements with the proprietors (whether a company, burial board, local authority, committee or other body of persons) of any burial ground for the burial of the bodies of any poor persons which the council may undertake to bury, or towards the burial whereof they may render

assistance, and, where such an agreement is made, the burial in that burial ground of any body under the directions of the council or with their aid shall be lawful:

Provided that no such agreement shall be valid unless made in such form and with such stipulations as the Minister may approve.

Prohibition on officers receiving remuneration in respect of burials.

78. No officer concerned with the relief of the poor shall receive any money for the burial of the body of any poor person or act as undertaker for reward in the burial of any such body, or receive any money from any dissecting school or school of anatomy or hospital, or from any person to whom any such body may be delivered, or derive any personal emolument whatever for, or in respect of, the burial or disposal of any such body, and if any officer contravenes any of the provisions of this section he shall be liable on summary conviction to a fine not exceeding five pounds.

Relief of Persons belonging to another County or County Borough.

Sudden or urgent necessity of persons belonging to another county or county borough.

79. If any relieving officer refuses or neglects to give relief in any case of sudden or urgent necessity to any person not settled or usually residing in the county or county borough for which the relieving officer acts, any justice of the peace may, by order in writing under his hand and seal, require the relieving officer to give such temporary relief, otherwise than in money, as the case may require, notwithstanding that the relief may not have been ordered by the council of the county or county borough; and if a relieving officer disobeys any such order he shall on summary conviction be liable to a fine not exceeding five pounds.

Liability for relief in case of accident or illness.

80. Where any person having a fixed place of abode in a county or county borough requires relief by reason of accident or sudden illness occurring to him while in some other county or county borough, not being his county or county borough of settlement,

PART II. —*cont.*

the cost of all relief lawfully given to him, medical or otherwise, shall—

(*a*) if he is then in receipt of relief be paid or reimbursed in like manner and by the same council as that other relief; but

(*b*) if he is not then in receipt of relief, be paid or reimbursed by the council of the county or county borough in which he has his place of abode.

Relief to widows in certain cases.

81. In the case of a widow who has a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than her county or county borough of settlement, the council of her county or county borough of settlement may grant relief to her although she is not residing in that county or county borough:

Provided that the council of the county or county borough in which the widow may be resident or may require relief shall be liable to relieve her in the same manner as any other person requiring relief in that county or county borough.

Reception in workhouses of persons belonging to another county or county borough.

82.—(1) The council of a county or county borough to which a workhouse belongs may, with the consent of the Minister, receive, lodge and maintain in the workhouse, any poor person belonging to any other county or county borough upon such terms as may be agreed between the councils concerned.

(2) Any such person so received in a workhouse shall, while therein, be treated in all respects in like manner, and be subject to the same regulations and liabilities, as the other persons therein, and shall be deemed to be chargeable in the first instance to the receiving county or county borough; but his residence in that workhouse shall, in all other respects, be attended with the same legal consequences as if the workhouse were situated within the county or county borough from which he was received.

Reception of children belonging to another

83.—(1) Where in a building belonging to the council of any county or county borough adequate provision is made for the reception, maintenance and education of poor children, and there is more accommodation therein at any time than the council require for the poor children under their care, they may, with the consent of the Minister, contract with the council of any other county or county borough for the reception and maintenance therein and for the instruction of any children under the age of sixteen years chargeable to the other county or county borough, being orphans or children deserted by their parents, or children whose parents or surviving parent consent.

county or county borough.

(2) The children received under any such contract as aforesaid shall, while at the building, be maintained and instructed in the same manner in all respects as the children of the county or county borough to which the building belongs, and shall be subject to the control and management of the council of that county or county borough and their officers in like manner as if they were chargeable to that county or county borough:

Provided that the residence of any such child in any such building shall in all other respects be attended with the same legal consequences as if the building were situated within the county or county borough from which the child was received.

PART III.

SETTLEMENT, IRREMOVABILITY AND REMOVAL.

Settlement.

Settlement.

84.—(1) A person shall be deemed to be settled in the county or county borough in which he was born until it is shown that he has derived or acquired a settlement elsewhere, or is presumed to be settled elsewhere, and the county or county borough in which a person is last settled shall be deemed to be his county or county borough of settlement.

(2) Subject to the provisions of this Part of this Act, a person may, in manner hereinafter provided—

(*a*) derive a settlement in a county or county borough from a parent or from a husband;

Part III. —*cont.*

(*b*) acquire a settlement in a county or county borough by
- (i) residence,
- (ii) apprenticeship,
- (iii) estate,
- (iv) renting a tenement, or
- (v) the payment of rates or taxes;

(*c*) be presumed to be settled in a county or county borough by reason of an estoppel.

Derivative settlement.

85.—(1) Until a person acquires a settlement of his own or derives a settlement from a husband, that person—

(*a*) if a legitimate child, shall take and follow, up to the age of sixteen, the settlement of his father, or, if and so long as his father has no settlement, the settlement which his mother had immediately before her marriage to his father, but if after the death of the father the mother acquires a settlement (not being a derivative settlement) shall take and follow, up to the age of sixteen, that settlement;

(*b*) if an illegitimate child, shall take and follow, up to the age of sixteen, the settlement of his mother;

and shall in either case retain the settlement which, under the foregoing provisions of this section, he had at the age of sixteen.

(2) Subject to the provisions of the next succeeding section as to a married woman deserted by her husband, a married woman shall take and follow the settlement of her husband, and shall retain the settlement which she thus had at the date of his death or of the dissolution of the marriage until she acquires or derives another settlement:

Provided that, if her husband has no settlement, she shall not by reason of her marriage cease to retain the settlement which she had immediately before her marriage to him.

(3) If any person, whether legitimate or illegitimate, who has attained the age of sixteen has not acquired a

settlement nor derived one from a husband, and it cannot be shown what settlement has been derived from a parent without inquiring into the derivative settlement of that parent, that person shall be deemed to be settled in the county or county borough in which he was born.

Acquisition of settlement by residence.

86.—(1) Where a person has resided for the term of three years in a county or county borough in such manner and in such circumstances in each of those years as would, in accordance with the provisions contained in this Act, render him irremovable, he shall be deemed to be settled in that county or county borough.

(2) A married woman deserted by her husband may acquire for herself a settlement by residence.

Acquisition of settlement by apprenticeship.

87. If any person is bound an apprentice by a duly stamped deed, writing or contract, and in pursuance thereof resides for forty days in any county or county borough, he shall be deemed to have acquired a settlement therein:

Provided that—

(*a*) no settlement shall be acquired by being apprenticed to the sea service or sea fishing service; and

(*b*) where a person bound as an apprentice by the council of a county or county borough or by a board of guardians has been assigned to a person other than the person to whom he was originally bound, no settlement by virtue of service of apprenticeship after the assignment shall be acquired unless the assignment was legally made in accordance with the provisions contained in this Act.

Acquisition of settlement by estate.

88.—(1) A person who, having an estate in any county or county borough, resides in the county or county borough for forty days shall be deemed to have acquired a settlement therein, but shall not retain the settlement so acquired if he ceases to reside within ten miles of the county or county borough:

Provided that, if he purchased the estate and has not paid as consideration therefor at least thirty pounds, he shall not be deemed to have acquired a settlement in the county or county borough unless he has resided

PART III. —*cont.*

on the estate for forty days, and shall not retain the settlement so acquired if he ceases to reside on the estate.

(2) Where a person having acquired a settlement under this section ceases by reason of non-residence to retain such settlement, any question as to his settlement shall be determined as if he had never acquired a settlement under this section.

(3) For the purposes of this section, the expression "estate" means such an estate or interest as would immediately before the passing of the Poor Law Act, 1927, have been sufficient to support a claim to a settlement by estate.

Acquisition of settlement by renting a tenement.

89. If any person—

(*a*) rents, and by virtue of the renting occupies for a whole year, a tenement in any county or county borough consisting of a separate and distinct dwelling-house or building, or of land, or of both, at a rent of not less than ten pounds; and

(*b*) himself pays the rent or at least ten pounds thereof; and

(*c*) is assessed to and pays the general rate in respect of that tenement for one year; and

(*d*) resides in the county or county borough for forty days,

he shall thereby acquire a settlement in the county or county borough.

Acquisition of settlement by paying rates or taxes.

90. If any person—

(*a*) is charged with and pays—

(i) the public taxes or local rates in respect of any tenement of the yearly value of ten pounds at least, being his own property; or

(ii) the local rates in respect of any tenement consisting of a separate and distinct dwelling-house or building, or of land, or of both, rented by him at a rent of not less than ten pounds a year for one whole year; and (*b*) resides in the county or county borough in which the tenement is situated for forty days after such payment as aforesaid,

he shall thereby acquire a settlement in that county or county borough:

Provided that in the case of a tenement so rented no settlement shall be acquired under this section unless the tenement is occupied for a whole year by virtue of the renting, and rent to the amount of ten pounds is actually paid for a year of the tenancy.

Presumptive settlement by estoppel.

91. Where an order has been made adjudging any person to be settled in a county or county borough named therein and ordering him to be removed thereto, then—

(*a*) if the order has not been appealed against, or if any appeal against the order has been dismissed or abandoned; and

(*b*) if the person has been removed thereunder or has, after the service of the order, been relieved without actual removal by the council of the county or county borough to which he was ordered to be removed,

the order shall be conclusive evidence for all purposes that the person was at the date thereof settled in the county or county borough.

Restrictions on the acquisition of settlement in certain cases.

92.—(1) A person born in any poor law institution shall, so far as regards his settlement of birth, be deemed to have been born in the county or county borough in which his mother was residing before she last became chargeable as an inmate of the poor law institution.

(2) No person whose mother was at the time of his birth a prisoner in a prison, or a patient in a lying-in hospital, shall be deemed to be settled, by reason of his birth therein, in the county or county borough in which the prison or hospital is situated, and in the case of an illegitimate child born in a lying-in hospital, the county or county borough in which the mother was settled at the time of birth shall be deemed to be the child's settlement of birth.

(3) No person to whom any land hired, taken, or inclosed under or by virtue of the provisions of Part IV.

PART III. —*cont.*

17 & 18 Geo. 5. c. 14.

of this Act, or of Part V. of the Poor Law Act, 1927, or the corresponding enactment in any Act repealed by that Act has been let, shall acquire a settlement by reason of his renting and occupying, or by reason of his paying local rates in respect of, the land, either alone or with any other land or tenement.

(4) No toll keeper of any navigation, or person renting the tolls and residing in any toll house of the navigation, shall acquire any settlement by reason of renting and occupying a tenement or by reason of the payment of public taxes or local rates.

Irremovability.

Persons who may not be removed.

93.—(1) No person shall be removed, nor shall any order be made for the removal of any person, from any county or county borough in which he has resided for one year next before the application for the order:

Provided that any time during which he has been—

(*a*) serving in the naval, military or air service of the Crown as a seaman, marine, soldier or airman; or

(*b*) resident as an in-pensioner in Greenwich or Chelsea Hospital; or

(*c*) confined in an institution for lunatics; or

(*d*) resident as a patient in a hospital; or

3 & 4 Geo. 5. c. 28.

(*e*) detained in an institution or resident in an approved home under the Mental Deficiency Act, 1913; or

(*f*) resident in a workhouse of, or otherwise in receipt of poor relief from, the council of a county or county borough or a board of guardians; or

(*g*) wholly or in part maintained by any rate or subscription raised in a parish in which he does not reside, not being a bonâ fide charitable gift; or

(*h*) a prisoner in a prison; or

(*i*) detained in a certified reformatory or industrial school; or

Part III. —*cont.*

(*j*) detained in a retreat under the Habitual Drunkards Act, 1879, or detained in or absent under licence from a State inebriate reformatory or a certified inebriate reformatory under the Inebriates Act, 1898;

42 & 43 Vict. c. 19.

shall not be regarded as interrupting his residence in the county or county borough, but shall for all purposes be excluded in the computation of time hereinbefore mentioned.

(2) Whenever any person has a wife or children whose settlement is in the same county or county borough as his or her own, the wife and children shall be removable from any county or county borough from which he or she would be removable notwithstanding anything contained in the foregoing provisions of this section, and shall not be removable from any county or county borough from which he or she would be irremovable by reason of any of the said provisions:

Provided that, if a married woman deserted by her husband resides in any county or county borough for one year after such desertion in such a manner as would, if she were a widow, render her exempt from removal, she shall not be liable to be removed from the county or county borough unless her husband returns to cohabit with her.

(3) No woman residing in a county or county borough with her husband at the time of his death shall be removed, nor shall any order be made for her removal, from the county or county borough for one year next after his death, if she so long continues a widow.

(4) No child under the age of sixteen residing in a county or county borough with his father, mother, stepfather, stepmother or reputed father shall be removed, nor shall any order be made for the removal of the child, from the county or county borough in any case where the father, mother, stepfather, stepmother or reputed father may not lawfully be removed therefrom.

(5) Where a child under the age of sixteen residing with his surviving parent is left an orphan, and the parent at the time of death was irremovable by reason of residence, the orphan, if not otherwise irremovable, shall be exempt from removal in like manner and to

the same extent as if he had then acquired for himself an exemption from removal by residence.

(6) Nothing in this Act shall affect any exemption from removal to which by the common law the owner of an estate and the husband and wife of such an owner are entitled, or affect any rule of common law against the separation from his mother of a child under the age of seven.

(7) Where a person is irremovable from any county or county borough, and the place wherein that exemption has been wholly or partly acquired is transferred to another county or county borough, he shall so long as he continues to reside in such other county or county borough be irremovable therefrom.

Removal.

Persons who may be removed.

94. A person who is in receipt of relief, unless rendered irremovable by virtue of the foregoing provisions of this Act, may be removed in manner hereinafter provided to his county or county borough of settlement.

Removal order.

95. Upon complaint made by the council of any county or county borough that a person has become chargeable to the county or county borough, two justices of the peace having jurisdiction in any part of the county or county borough, if satisfied of the truth of the complaint and that the person is not settled within or irremovable from the county or county borough, may order him to be removed to his county or county borough of settlement:

Provided that—

(*a*) no order shall be made for the removal of any person becoming chargeable in respect of relief made necessary by sickness or accident, unless the justices making the order state therein that they are satisfied that the sickness or accident will produce permanent disability; and

(*b*) a removal order in respect of a settlement alleged to have been acquired by residence shall not be made upon the evidence of the person to be removed without such corroboration as the justices think sufficient.

Notice to be given and documents to be served before removal under removal order.

96.—(1) No person shall be removed under a removal order until twenty-one days have elapsed after written notice of his being chargeable, accompanied by a copy of the order and by a written statement setting forth the grounds of removal (including particulars of the settlement relied upon in support thereof), has been served by the removing council upon the council against whom the order is made.

(2) The clerk to the justices making a removal order shall keep the depositions upon which the order was made, and shall within seven days furnish a copy thereof to the council against whom the order was made, if they apply for a copy and pay for it at the rate of twopence per folio of seventy-two words; and if such an application is made within the period of twenty-one days mentioned in the last foregoing subsection, no person named in the order shall be removed until the expiration of fourteen days from the sending of the copy of the depositions.

(3) If notice of appeal against a removal order is received by the removing council within the period of twenty-one days mentioned in subsection (1) of this section, or if a copy of the depositions is applied for within that period, before the expiration of the fourteen days mentioned in subsection (2) of this section, no person named in the order shall be removed until the appeal has been finally disposed of or the time for prosecuting the appeal has expired.

(4) Notwithstanding anything in this section, if the council against whom a removal order is made consent in writing to submit to the order and to receive any person named therein, that person may be removed forthwith.

Appeals.

97.—(1) Any person who thinks himself aggrieved by a removal order may appeal against the order to the next practicable court of quarter sessions having jurisdiction in the county or place for which the justices who made the order act:

Provided that—

(*a*) no appeal against a removal order shall be allowed unless notice of appeal is given within twenty-one days after the notice of chargeability and statement of grounds of

Part III. —*cont.*

removal has been sent as hereinbefore provided, or, if within those twenty-one days a copy of the depositions has been applied for, within fourteen days after the sending of a copy thereof; and

(*b*) if it appears to the court of quarter sessions that the notice of appeal, though given within the time specified in the last preceding proviso, was not given to the respondent a reasonable time before the hearing of the appeal, the court shall adjourn the appeal until the next sessions.

(2) The appellant shall with the notice of appeal, or fourteen days at least before the first day of the sessions at which the appeal is intended to be tried, serve upon the respondent a written statement of the grounds of appeal, and shall not be heard in support of the appeal unless such a statement has been so served.

(3) No omission or delay in furnishing a copy of the depositions upon which a removal order was made shall afford any ground of appeal against the order, and upon the hearing of an appeal against an order the order shall not be quashed or set aside, either wholly or in part, on the ground that such depositions do not furnish sufficient evidence to support, or that any matter contained therein or omitted therefrom raises an objection to, the order or grounds of removal.

(4) On the hearing of an appeal against a removal order it shall not be lawful for the respondent or appellant to go into or give evidence of any other grounds of removal or of appeal respectively than those set out in the order or in the statements of grounds of removal and grounds of appeal respectively.

Execution of removal order.

98.—(1) The council of any county or county borough from which a person is ordered to be removed under the provisions of this Part of this Act may employ any proper person to remove and deliver him to the council of the county or county borough to which he is ordered to be removed, and the delivery of any such person at any workhouse of the last mentioned council or, if any particular workhouse has been designated for the purpose by them at that workhouse, to any officer of the workhouse, shall be deemed a delivery to the council.

(2) If any officer of a workhouse refuses to receive any person so delivered in accordance with the terms of a removal order and of this Part of this Act, he shall be liable on summary conviction to a fine not exceeding five pounds.

Suspension of removal order in case of sickness.

99.—(1) If it appears to the justices making a removal order that any person named therein is unable to travel by reason of sickness or other infirmity, or that it would be dangerous for him to do so, they shall by an endorsement on the order signed by them suspend the execution of the order until satisfied that it may safely be executed without danger to that person.

(2) The suspension of a removal order under this section shall operate also as a suspension for the same period of the order, so far as it relates to every other person named therein who was of the same household or family as the sick or infirm person at the time of the making of the order.

(3) No act done by any person continuing to reside in a county or county borough under the suspension of a removal order shall be of any effect for the purpose of giving him a settlement therein or a status of irremovability therefrom.

(4) The suspension of a removal order shall not affect the time within which notice of appeal against the order has to be given.

(5) No expenses of relief shall be recoverable under a suspended removal order unless notice of the order, with a copy thereof, has been served within ten days upon the county or county borough council against whom it is made; but subject as aforesaid,—

(*a*) the removing council may at the end of every quarter send to the council against whom the order is made an account of the cost incurred in the relief of any person named in the order, and may recover the amount reasonably expended by them (or so much thereof as may remain unpaid) in any county court the district whereof is wholly or partly comprised in their county or county borough;

(*b*) if the removal order is subsequently executed, or the person named in the order dies before the execution thereof, the justices who made the

Part III. —*cont.*

order or any two justices having the same jurisdiction may, upon complaint, order the expenses proved to have been incurred by the suspension of the order (or so much thereof as may remain unpaid) to be paid by the council against whom the removal order was made.

(6) If the sum ordered to be paid by the council of any county or county borough under paragraph (*b*) of the last preceding subsection exceeds twenty pounds, the council may appeal against the order to the next court of quarter sessions in like manner as against a removal order; and on such an appeal the court may if they think fit reduce the sum ordered to be paid.

(7) Where a removal order has been suspended, the justices who made the order, or any two justices having the same jurisdiction, may, by endorsement signed by them, authorise the execution of the order.

(8) The provisions of this Part of this Act which relate to the sending and service of copies of orders of removal shall apply to such orders when suspended, and to orders consequent upon such suspension, and to demands for payment of expenses arising thereon.

Abandonment of removal order.

100.—(1) Where a removal order has been made and a copy thereof served as provided by this Part of this Act, the council obtaining the order may at any time abandon it by written notice served upon the council against whom the order was made, and thereupon the order and all proceedings consequent thereon shall become null and void.

(2) The council abandoning an order shall pay to the council against whom the order was made the costs which the latter council may have incurred by reason of the order and of all subsequent proceedings thereon, and such costs may be taxed by the proper officer of the court before whom any appeal against the order (if it had not been abandoned) might have been brought, and shall be recoverable summarily as a civil debt.

Prohibition of return after removal under order.

101. If any person removed under a removal order returns to and again becomes chargeable to the county or county borough from which he was removed, within twelve months after his removal and without the consent of the council of that county or county borough, he shall be deemed an idle and disorderly person within the meaning of section three of the Vagrancy Act, 1824.

Removal by consent.

102. The council of any county or county borough to which a person is chargeable may remove him without a removal order, if the council of the county or county borough to which he is removed are satisfied that he is settled within, and removable to, their county or county borough and consent under their common seal to receive him without such an order.

Special provisions as to removal of discharged prisoners, &c.

103.—(1) Where it appears to a justice of the peace having jurisdiction in the place where a prison is situate, or being a member of the visiting committee or board of visitors of the prison, by notice in writing given by the governor of the prison, that a person detained in the prison is about to be released therefrom, and that on release that person will, by reason of infirmity of mind or body, require immediate relief, the justice may make an order for the removal of that person, on his release, to any workhouse of the county or county borough within which he appears to the justice to be settled, or, if the justice cannot ascertain in what county or county borough he is settled, or if he has not a county or county borough of settlement in England or Wales, then to any workhouse of the county or county borough to which he is deemed to be prima facie chargeable for the purposes of this section, and for his reception in that workhouse.

(2) Such person as aforesaid shall, for the purposes of this section, be deemed to be prima facie chargeable to the county or county borough in which the ordinary residence of the person appears to the justice making the order to have been at the time when the offence for or in respect of which he is detained was alleged to have been committed, or, if the justice cannot ascertain that residence, or if that residence was not in England or Wales, then—

(*a*) to the county or county borough in which the offence was alleged to have been committed; or

(*b*) if the offence was alleged to have been committed out of the United Kingdom, to the county or county borough in which the court of summary jurisdiction by which the person was convicted or committed for trial, or ordered to be detained, sat.

PART III. —*cont.*

(3) The order of the justice shall be in such form as may be prescribed by the Secretary of State and shall authorise the conveyance of the person in respect of whom it is made to the workhouse named in the order, and shall be served and be enforceable in like manner as a removal order under this Part of this Act.

(4) Where it appears to the justice making the order that the person will on his release be too ill to be removed to any workhouse named in the order, he may suspend the operation of the order, and in that case the person on his release may be conveyed to and shall be received in any workhouse of the county or county borough in which the prison is situate, but the expenses of his maintenance in that workhouse shall be repaid by the council of the county or county borough named in the order.

(5) Where an order under this section has been made with respect to any person, a removal order under the foregoing provisions of this Part of this Act for his removal to the county or county borough within which he is actually settled may be obtained on the application of the council named in the order under this section, either before or after the execution of that order, and on the removal order being obtained the order under this section shall cease to have effect and the provisions of this section shall cease to apply, but all expenses incurred under this section or under any order made thereunder by the council named in that order shall be repaid to them by the council of the county or county borough within which the said person is actually settled.

(6) This section shall apply to persons detained in industrial and reformatory schools, subject to the following modifications:—

(*a*) for references to prisons and governors thereof there shall be substituted references to industrial and reformatory schools and superintendents thereof;

(*b*) for the reference to members of the visiting committee or board of visitors there shall be substituted a reference to managers;

(*c*) references to offences and to the time when and place where offences were committed shall include references to the circumstances in consequence of which the order of detention was made and to the time when and place where those circumstances occurred.

(7) This section shall apply to persons detained in inebriate reformatories subject, in the case of certified inebriate reformatories, to the following modifications :—

(*a*) for references to prisons and governors thereof there shall be substituted references to inebriate reformatories and superintendents thereof;

(*b*) for references to members of the visiting committee or board of visitors there shall be substituted references to managers.

Supplementary.

Retrospective effect of provisions as to settlement and removability.

104. No person shall derive or acquire, or be deemed to have derived or acquired, a settlement or status of irremovability except in accordance with the provisions of this Part of this Act; and any question arising on or after the first day of October, nineteen hundred and twenty-seven, as to the settlement or removability of any person shall be determined as if those provisions had been in force at all material dates:

Provided that—

(*a*) where before the said date an application has been made to justices or to the Minister to determine any question in relation to the settlement or removal of any person, that question shall in all stages of the proceedings be determined as if the Poor Law Act, 1927, and this Act had not been passed; and

(*b*) where any such question has been determined before the said date, and an application to determine a question relating to the settlement or removal of the same person and dependent on the same facts is made after the said date by or against the council of any county or county borough not bound by the previous decision, the question on that application shall be determined as if the Poor Law Act, 1927, and this Act had not been passed.

Liability for relief pending de-

105.—(1) Where at the time of the grant of relief to any person that person's settlement is in question, the expenses of his relief pending the determination of the

Part IV. —*cont.*

Power of inclosing certain lands.

111.—(1) The council of any county or county borough may inclose from any waste or common land in or near their county or county borough, with the consent in writing of the lord of the manor and the majority in value of the persons having rights of common therein, signified under their hands and seals, and with the consent of the Minister, any part, not exceeding fifty acres, of that waste or common land for the purpose of cultivating and improving it for the use and benefit of the county or county borough and the poor persons therein, or otherwise for the purposes of the functions of the council under this Act.

(2) The council of any county or county borough may inclose from any forest or waste land belonging to the Crown in or near their county or county borough, with the consent of the Treasury and subject to the control of the Minister, any part, not exceeding fifty acres, of that forest or waste land, for the purpose of cultivating and improving it for the use and benefit of the county or county borough and the poor persons therein, or otherwise for the purposes of the functions of the council under this Act:

Provided that no inclosure of land in the New Forest shall be made under this subsection.

(3) An inclosure of common land purporting to be made under this section shall not be valid without the consent of the Minister of Agriculture and Fisheries.

Marking of goods, &c.

112.—(1) The council of every county and county borough shall cause all goods capable of being marked, and belonging to them for the purposes of their functions under this Act, to be marked, stamped, or branded with such mark as they think proper for identifying the council by whom the goods have been provided; so however that no such mark or stamp shall be placed on any article of wearing apparel so as to be publicly visible.

(2) Any such mark, stamp, or brand as aforesaid on any article (being duly authenticated) shall be taken to be sufficient evidence, without further proof, of the property of the council in the article.

Miscellaneous Powers of Expenditure.

Part IV. —*cont.*

Expenses of conveying persons chargeable.

113. The Minister may, by order, direct in what cases (other than those expressly authorised by this Act) and under what regulations the council of a county or county borough may pay the reasonable expenses incurred by them in conveying any person chargeable to their county or county borough from one place in England or Wales to another.

Conference expenses.

114. The Minister may by regulations authorise any county or county borough council, subject to compliance with the regulations, to pay the reasonable expenses of any of their members or of the clerk to the council incurred in attending any conference of members of such councils held for the purpose of discussing any matter which is connected with the duties which under this Act devolve on such councils, and any reasonable expenses incurred in purchasing reports of the proceedings of any such conference.

Expenses of preparing and collecting information.

115. The council of any county or county borough may pay the reasonable expenses incurred in the preparation and collection of information required of or by them respecting any matter which is by virtue of this Act under their management, supervision or control.

Reimbursement of damage to property of officers.

116. The council of any county or county borough may pay to or reimburse any of their officers concerned with the relief of the poor any expense necessarily incurred in repairing or restoring property belonging to the officer which may have been maliciously damaged or destroyed by any person applying or having applied for relief, and any costs and expenses incurred in the prosecution of the offender not allowed by the court.

Expenses and Borrowing.

Expenses of local authorities.

117. The expenses of the council of any county or county borough under this Act shall be defrayed—

(*a*) in the case of a county council, as expenses for general county purposes; and

Part IV. —*cont.*

(*b*) in the case of a county borough council, in like manner as general expenses in the execution of the Public Health Acts, 1875 to 1926.

Borrowing by local authorities.

118. The council of any county or county borough may borrow for the purposes of this Act—

2 & 3 Geo. 5. c. cv.

(*a*) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by the Local Government Act, 1929; and

(*b*) in the case of the council of a county borough, as for the purposes of the Public Health Acts, 1875 to 1926.

Accounts and Audit.

Accounts and audit in the case of county boroughs.

119. Separate accounts shall be kept by the council of every county borough of their receipts and expenditure in respect of the functions discharged by the council under this Act, and those accounts shall be made up and audited in like manner and subject to the same provisions as in the case of a county council, and the enactments relating to the audit of the accounts of a county council and to all matters incidental thereto and consequential thereon, including penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit.

45 & 46 Vict. c. 50.

Right of auditor to inspect books.

120.—(1) A district auditor may at any time, when authorised or required by the Minister so to do, inspect the accounts and books of account of any county or county borough council or of any officer concerned with the relief of the poor who is liable to account to him.

(2) If any member of a county or county borough council or any officer refuses to allow any such auditor, when so authorised or required, to make the inspection or obstructs him in his inspection or conceals any such account or book for the purpose of preventing inspection thereof, he shall be liable, on summary conviction, to a fine not exceeding five pounds.

PART V.

PROVISIONS APPLICABLE ONLY TO THE COUNTY OF LONDON.

Extent and Application.

Application of Act to London.

121. This Part of this Act extends only to the county of London, and the provisions of this Act shall apply to the county of London subject to the provisions of this Part of this Act.

Local Administration.

Committees and sub-committees of London County Council.

122.—(1) Any of the functions of the London County Council under this Act, except the power of raising a rate or borrowing money, may be referred or delegated by the council to any committee thereof (including the public assistance committee) in such manner and to such extent, if any, as may be provided by the administrative scheme.

(2) There shall, if the administrative scheme so provides, be appointed in accordance with the provisions of the scheme—

(*a*) such sub-committees of the public assistance committee (in this section referred to as "local committees") consisting wholly or partly of members of that committee; and

(*b*) such sub-committees of local committees consisting wholly or partly of members of the local committees,

as may be provided by the scheme.

(3) The functions of local committees shall be such as may be provided by the scheme, and such functions, being functions which under the foregoing provisions of this Act are to be discharged by guardians committees or sub-committees thereof, as may be provided by the scheme, shall in accordance therewith be discharged by the sub-committees of local committees.

Asylums.

Provision of asylums.

123.—(1) For the purpose of the provision of asylums for the reception and relief of the sick, insane, or infirm, or any class or classes of poor persons in receipt of relief, the Minister may by order determine

Part V. —*cont.*

the number of asylums to be provided for the county of London and direct the London County Council to purchase, hire or build, and (in either case) to fit up buildings for asylums, of such nature and size, and according to such plans and in such manner as the Minister may think fit, and the council shall carry such directions into execution.

(2) The Minister may, by order, direct that any building for the time being used as a workhouse shall, with such alterations as the Minister may think fit, be used for an asylum.

(3) The London County Council shall in accordance with orders made by the Minister provide for every asylum all necessary fixtures, furniture and conveniences.

Admission to and government of asylums.

124.—(1) The mode of admission of persons into an asylum shall be such as the Minister may by order direct.

(2) The London County Council shall have the like powers for the relief, maintenance and management of the inmates of an asylum as they have as respects the inmates of a workhouse, and shall provide such medicines, appliances and requisites for the medical and surgical care and treatment of the inmates, and cause them to be used according to such rules, as the Minister may by order direct, and the provisions of this Act enabling the council of a county or county borough to receive in workhouses poor persons chargeable to some other county or to a county borough shall extend to the reception by the London County Council of such persons in asylums.

(3) The Minister may make rules, orders and regulations for the government of an asylum as if the asylum were a workhouse.

(4) Any person relieved in an asylum shall be liable to the same obligations in respect of the relief afforded to him as if it were afforded in a workhouse.

(5) The provisions of this Act relating to religious instruction shall apply in the case of an asylum.

Parishes in which asylums are to be deemed to be.

125. For the purposes of burial and other incidents, an asylum shall, in relation to every inmate thereof, be deemed to be in the parish from which the inmate was sent to the asylum.

Use of asylums for training and instruction.

126.—(1) An asylum provided for the reception and relief of the sick or insane may be used for the training of nurses in such cases and in such manner and subject to such regulations as the Minister may by order direct.

(2) An asylum provided for the reception of persons suffering from fever, smallpox or diphtheria may be used for purposes of medical instruction, subject to such regulations as the Minister may by order direct.

Medical Out-door Relief.

Dispensaries.

127. The Minister may, by order, direct the London County Council to provide one or more dispensaries, and for that purpose either—

(*a*) to purchase, hire or build, and to fit up and furnish, one or more buildings of such nature and size as the Minister may think fit; or

(*b*) to set apart, adapt, fit up and furnish a part of a workhouse;

(in either case) according to such plans, and in such manner, as the Minister may think fit.

Places for seeing sick poor, &c.

128.—(1) Where the London County Council in compliance with a requirement by the Minister provide a dispensary, they shall also provide, according to the directions of the Minister, proper places where the poor law medical officers may see such of the sick poor as attend there for advice.

(2) Where the London County Council provide a dispensary otherwise than in compliance with a requirement by the Minister, they shall, if required by the Minister so to do, provide a proper room at the dispensary where the poor law medical officers may see such of the sick poor as attend there for advice, and those medical officers shall personally, or by their authorised substitutes, attend at the dispensary during the times fixed for the purpose by the council with the approval of the Minister.

Appointment of dispensers, &c.

129.—(1) The London County Council shall appoint proper persons to be dispensers of medicine, and may appoint such other officers and servants for the purposes of the dispensaries as they think fit.

PART V. —*cont.*

(2) The duties, qualifications, number and salaries of the dispensers, officers and servants shall be such as the Minister may approve or by order direct.

(3) For giving effect to the provisions of this Part of this Act relating to medical outdoor relief, the Minister may vary, as he may think fit, medical districts, and the salaries of, and contracts with, district medical officers.

Provision and dispensing of medicines, &c.

130. Where the London County Council provide a dispensary they shall provide proper medicines, appliances and requisites for the care and surgical treatment of the sick poor relieved out of the workhouse, and the medicines, appliances and requisites shall be dispensed and furnished to such of the poor entitled to relief as require them, on the prescription or written direction of the district medical officer, subject to such regulations as the Minister may by order direct.

Arrangements with public general hospitals.

131. The London County Council may, with the consent of the Minister, enter into arrangements with any public general hospital or dispensary situated within the county for the reception and treatment in the hospital or dispensary of poor persons in receipt of relief, on terms to be arranged between the council, with the sanction of the Minister, and the authorities of the hospital or dispensary.

Casual Poor Persons.

Casual wards, &c.

132.—(1) The London County Council shall provide within the county such wards or other places for the reception and relief of casual poor persons as the Minister directs.

(2) The wards or places of reception provided under this section shall be open for the admission of casual poor persons who apply to be admitted during the hours between six o'clock in the evening and eight o'clock in the morning in the months between October and March inclusive, and during the hours between eight o'clock in the evening and eight o'clock in the morning in the months between April and September inclusive.

(3) The Minister shall cause the wards and other places of reception provided under this section to be inspected not less than once in every four months,

during the hours during which such wards and places are by this section required to be open for admission, and the results of the inspection shall be reported to the Minister.

(4) Any constable of the metropolitan police or of the police of the City of London may personally conduct any casual poor person, not charged with any offence, to any ward or other place of reception approved of by the Minister, and every such person shall, if there is room, be temporarily relieved therein.

Special Provisions with respect to the London County Council.

Variation of contracts with officers.

133. For the purpose of facilitating the appointment of resident workhouse medical officers, and for improving the classification and management of any classes of poor persons, the Minister may, by order, determine, or from time to time vary, as he thinks fit, any contract with any medical or other officer of the London County Council, being an officer concerned with the relief of the poor, and direct the council to pay to the officer affected thereby such compensation by way of increased salary, or of an annuity, or of a gross sum or otherwise, as the Minister may think fit.

Recoupment of money expended on parish workhouse.

134. Where the London County Council or a board of guardians have at any time, under the orders of the Minister, borrowed and expended money upon the improvement or enlargement of a workhouse or other property belonging to a parish comprised within the county of London, and the workhouse or property is afterwards sold or let, the council shall be entitled to receive out of the purchase money or rents such an amount as, in the opinion of the Minister, appears reasonable, and the money or rent so received shall be appropriated for the benefit of the county in such manner as the Minister by order directs.

Provision of training ships.

135. The London County Council may, with the consent of the Minister, purchase, hire, or otherwise acquire and fit up and furnish one or more ships to be used for the training of boys for the sea service, and every such ship shall be deemed to be a separate school.

Part VI.

General and Supplementary.

Rules, Orders and Regulations.

Power of Minister to make rules, &c.

136.—(1) For executing the powers given to him by this Act the Minister shall make such rules, orders and regulations as he may think fit for—

(*a*) the management of the poor;

(*b*) the government of workhouses and the education of children therein;

(*c*) the apprenticing of children of poor persons;

(*d*) the guidance and control of the councils of counties and county boroughs and their officers so far as relates to the management or relief of the poor and, subject to the provisions of this Act, prescribing their duties;

(*e*) the making and entering into contracts in all matters relating to such management or relief, or to any expenditure for the relief of the poor;

(*f*) the keeping, examining, auditing and allowing of accounts; and

(*g*) any purposes for which rules, orders and regulations may be made under this Act;

and generally for carrying this Act into execution in all other respects.

(2) All rules, orders and regulations made by the Minister under this Act shall have effect as if enacted in this Act, subject however to the power of the Minister to suspend, alter or rescind any such rule, order or regulation.

(3) Save as otherwise expressly provided in this Act, every rule, order or regulation made by the Minister under this Act which affects more than one county or county borough shall be deemed a general rule, and every rule, order or regulation made to vary or rescind a general rule shall also be deemed a general rule, notwithstanding that it affects one county or county borough only.

(4) The Minister shall cause a copy of every general rule to be laid before both Houses of Parliament as soon as may be after its publication.

Part VI. —*cont.*

(5) His Majesty may, by Order in Council, disallow any such general rule, or any part thereof, and thereupon the rule, so far as it has been so disallowed, shall cease to have effect, but without prejudice to the validity of anything previously done thereunder.

Publication and date of operation of rules, &c.

137.—(1) A copy of every rule, order or regulation made by the Minister under this Act shall, before it comes into operation in any county or county borough, be sent by the Minister to the council of the county or county borough or to the clerk to the council, and no such rule, order or regulation (except as otherwise expressly provided by this Act) shall come into operation until the expiration of fourteen days after a copy thereof has been so sent:

Provided that every general rule made by the Minister under this Act shall be published in the London Gazette, and, when so published, shall take effect in like manner and have the same force and validity as if a copy thereof had on the date of publication been sent in manner hereinbefore provided.

(2) The council of a county or county borough, or the clerk to the council, shall preserve and publish all such rules, orders and regulations in such manner as the Minister directs, and shall allow any owner of property or his agent, and any ratepayer in the county or county borough to inspect them at all reasonable times, free of charge, and shall furnish copies thereof at the rate of threepence for every folio of seventy-two words, and shall allow copies thereof or extracts therefrom to be taken at the rate of three-halfpence for every such folio

(3) If any member of the council of a county or county borough, or the clerk to such a council, to whom such rules, orders or regulations, or copies thereof, are sent as aforesaid neglects to preserve or publish the same as directed by the Minister, or refuses to allow such inspection or to furnish or allow copies or extracts to be taken as aforesaid, he shall for every such offence be liable, on summary conviction, to a fine not exceeding ten pounds.

Part VI. —*cont.*

(4) If any general rule after it has come into operation is disallowed by Order in Council, or if any rule, order or regulation is revoked by the Minister, the Minister shall send to the council of every county or county borough affected by the rule, order or regulation, or to the clerk to the council, notice of the disallowance or revocation, and the provisions of this section as to the preservation, publication and inspection of rules, orders and regulations, and the furnishing and taking of copies and extracts, shall apply to such notice as aforesaid in like manner as they apply to the original rule, order or regulation.

Power to act on rules, &c. immediately.

138. Nothing in this Act shall be taken to invalidate any act or proceeding done or taken in conformity with any rule, order or regulation of the Minister by the person to whom it is addressed, although the period of fourteen days has not elapsed from the date when the copy of the rule, order or regulation was sent, or, in the case of a general rule, was published in the London Gazette.

Penalty on persons disobeying rules, &c.

139.—(1) If any person wilfully neglects or disobeys any rule, order or regulation made by the Minister under this Act, he shall be liable, on summary conviction, for the first offence to a fine not exceeding five pounds, and for a second offence to a fine not exceeding twenty pounds nor less than five pounds.

(2) In the event of a person having been convicted twice, every subsequent offence shall be deemed a misdemeanour, and he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years and to a fine of not less than twenty pounds.

Invalidity of contracts not conformable to rules, &c.

140.—(1) Any contract entered into by or on behalf of any county or county borough council being a contract relating to the relief of the poor, or for any other purpose relating to or connected with the general management of the poor, which is not made and entered into in conformity with the rules, orders or regulations made by the Minister in force at the time the contract was entered into, or otherwise sanctioned by the Minister, shall be voidable, or, if the Minister so declares, shall be void.

(2) All payments made in pursuance of any contract after the Minister has declared the contract to be void,

shall be disallowed in the accounts of the county or county borough council or officer by whom the payments have been made.

Evidence of transmission of rules, &c.

141.—(1) It shall not be necessary in any civil or criminal proceeding to prove the sending of any rule, order or regulation in accordance with the provisions of this Act, except to the clerk to the council of the county or county borough within which the rule, order or regulation is intended to have effect.

(2) It shall in no case be necessary to prove such sending unless reasonable notice in writing is given, by the party requiring such proof to the party upon whom such proof would lie, that such proof will be required.

(3) Whenever it is proved to the satisfaction of a court that a rule, order or regulation was sent, and that the party who has given such notice as aforesaid was cognizant thereof, the court shall order the reasonable expenses of the witnesses called to prove the sending thereof to be paid by that party.

Certiorari.

142.—(1) No rule, order or regulation made by the Minister under this Act shall be removable by writ of certiorari into any court except the High Court.

(2) No such writ shall be granted unless the writ is applied for—

(*a*) in the case of a general rule, within twelve months after the date of the publication of the rule in the London Gazette; and

(*b*) in the case of any other rule, order or regulation, within twelve months after the date when copies have been sent in manner provided by this Act.

(3) If on a rule, order or regulation being removed into the High Court by writ of certiorari it is quashed as illegal, the Minister shall forthwith notify the judgment of the court to all county and county borough councils affected thereby, and the rule, order or regulation shall from the date of the receipt of the notice be void, without prejudice, however, to the validity or legality of anything previously done thereunder; but until the receipt of such notice a rule, order or regulation which has been removed into the High Court shall continue of full force and effect.

Part VI. —*cont.*

Foregoing provisions of Part VI. not to apply to orders under s. 3.

143. The foregoing provisions of this Part of this Act shall not apply to any order made under section three of this Act.

Offences and Penalties.

Penalties on members of councils and officers furnishing goods, &c. for relief of poor.

144.—(1) It shall not be lawful for any member or officer of a county or county borough council or other person concerned with the relief of the poor, in his own name or in the name of any other person, for his own profit, to supply any goods or materials for the use of any workhouse or otherwise for the purpose of the relief of the poor in any place for which he acts as such member, officer or otherwise, or to be concerned directly or indirectly in supplying any such goods or materials or in any contract relating thereto, and if any person supplies or is concerned in supplying any such goods or materials, or is concerned in any such contract in contravention of the provisions of this subsection, he shall be liable to forfeit the sum of one hundred pounds recoverable by action in the High Court to the person suing therefor.

(2) If any person holding an office concerned with the relief of the poor in any county or county borough, for his own profit or on his own account, supplies any goods or materials ordered to be given by way of relief to any person in the county or county borough, or for or in respect of money ordered to be so given, he shall for each offence be liable, on summary conviction, to a fine not exceeding five pounds.

Disobedience of officers.

145. If any officer of a county or county borough council, being an officer concerned with the relief of the poor, wilfully disobeys any legal and reasonable orders given for carrying into execution the rules, orders and regulations made by the Minister under this Act, or the provisions of this Act, he shall be liable, on summary conviction, to a fine not exceeding five pounds.

Stealing, &c. by officers of council's property.

146. If any officer of a county or county borough council, being an officer concerned with the relief of the poor, steals, embezzles, or wilfully wastes or misapplies any money or goods belonging to the council, he shall, in addition to any penalties to which he may be liable independently of this Act, be liable on summary conviction, to a fine not exceeding twenty pounds, and also to pay treble the amount or value of the money or goods.

Illegal or fraudulent payments by officers.

147. Any officer of a county or county borough council, being an officer concerned with the relief of the poor, who wilfully authorises or makes an illegal or fraudulent payment, or unlawfully makes any entry in his accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended by him, or disallowed or surcharged by a district auditor, shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and also to pay treble the amount of the payment or of the sum so entered in his accounts.

Officers unlawfully procuring removals.

148.—(1) If any officer of a county or county borough council, being an officer concerned with the relief of the poor, with the intent to cause any person to become chargeable to any county or county borough to which that person was not then chargeable—

(*a*) conveys that person out of the county or county borough for or within which the officer acts, or causes or procures any such person to be so conveyed; or

(*b*) gives directly or indirectly any money, relief or assistance, or affords or procures to be afforded any facility, for such conveyance; or

(*c*) makes any offer or promise or uses any threat to induce any such person to depart from the county or county borough;

and in consequence of such conveyance or departure any person becomes chargeable to a county or county borough to which he was not then chargeable, the officer shall be liable, on summary conviction, to a fine not exceeding five pounds.

(2) Proceedings under this section may be taken before a court of summary jurisdiction having jurisdiction within the county or county borough either from which, or to which, the person was conveyed or departed.

Various offences relating to goods.

149.—(1) If any person—

(*a*) knowingly takes in pawn, buys, exchanges or receives any goods provided for the use of, or for the purpose of being worked up by, the poor in any workhouse, or given to any poor persons, or any goods or furniture of a workhouse; or

Part VI. —*cont.*

(*b*) causes to be obliterated or defaced any mark stamped, marked, or branded, in accordance with this Act or the Poor Law Act, 1927, or any enactment thereby repealed, on any goods belonging to the council of a county or county borough;

he shall for each offence be liable on summary conviction to a fine not exceeding five pounds, and for the purpose of this subsection the court may consist of a single justice, but in that case the fine imposed shall not exceed twenty shillings.

(2) If any person deserts or runs away from a workhouse or asylum and carries away with him any such goods as aforesaid, he shall on summary conviction be liable to imprisonment for a term not exceeding three months.

Obtaining relief by false statement.

150. If any person for the purpose of obtaining relief for himself or for any other person wilfully gives a false name, or makes or uses a false statement to the council of any county or county borough or any of their officers concerned with the relief of the poor, he shall be deemed an idle and disorderly person within the meaning of section three of the Vagrancy Act, 1824.

Absconding, &c.

151.—(1) If any poor person in receipt of relief—

(*a*) absconds or escapes from or leaves any casual ward before he is entitled to discharge himself therefrom; or

(*b*) refuses to be removed from a casual ward to any workhouse or asylum under the provisions of this Act; or

(*c*) absconds or escapes from or leaves any workhouse or asylum during the period for which he may be detained therein; or

(*d*) refuses or neglects, whilst an inmate of any casual ward, workhouse or asylum, to do the work or observe the regulations prescribed; or

(*e*) wilfully destroys or injures his own clothes or damages any of the property of the council of the county or county borough;

he shall be deemed an idle and disorderly person within the meaning of section three of the Vagrancy Act, 1824.

(2) If any poor person in receipt of relief commits any of the offences hereinbefore in this section mentioned after having been previously convicted as an idle and disorderly person, he shall be deemed a rogue and vagabond within the meaning of section four of the Vagrancy Act, 1824.

(3) Any officer of a workhouse or asylum, or any constable, may without warrant apprehend any such person who has absconded or escaped from or left the workhouse or asylum, and take him before a justice of the peace, and upon the order of the justice take him back to the workhouse or asylum.

(4) Where any casual poor person is taken before a justice of the peace and charged with any offence under this section, the justice may, if he thinks fit, grant a certificate to the person who has preferred the charge for the amount of the expenses incurred by him in relation thereto, and such certificate shall have the same effect, and the amount mentioned therein shall be paid and recovered in like manner, as in the case of a certificate granted by a court of summary jurisdiction under section twenty-eight of the Summary Jurisdiction Act, 1879.

42 & 43 Vict. c. 49.

Offences by persons for whom task of work prescribed.

152. Where the council of any county or county borough prescribe a task of work to be performed by any person to whom, or to whose wife or to whose child under the age of sixteen, outdoor relief is granted by the council (being a task suited to the age, sex, strength and capacity of that person and being of a nature and description of which the Minister has previously approved) and that person refuses or wilfully neglects to perform the task, or wilfully damages any of the tools, materials or other property belonging to the council, he shall be deemed to be an idle and disorderly person within the meaning of section three of the Vagrancy Act, 1824.

Misbehaviour.

153.—(1) If any inmate of a workhouse or asylum is guilty of drunkenness or other misbehaviour, he shall, on summary conviction, be liable to be imprisoned in the case of a first offence for a term not exceeding twenty-one days, and in the case of a second or subsequent offence for a term not exceeding forty-two days.

(2) A court of summary jurisdiction for the purposes of this section may consist of a single justice, but

PART VI. —*cont.*

in that case the penalty imposed shall not exceed imprisonment for a term of fourteen days.

Assaults on officers.

154. Any person convicted of an assault upon an officer appointed under this Act in the execution of his duty, or upon any person acting in aid of such an officer, shall be liable, on conviction on indictment, to be imprisoned for any term not exceeding two years.

Legal Proceedings, &c.

Power of officers to take and conduct proceedings. 6 & 7 Vict. c. 73.

155. Notwithstanding anything contained in the Solicitors Act, 1843, any officer of a county or county borough council appointed under this Act may, if duly empowered by the council, make or resist any application, claim or complaint, or take and conduct any proceedings on behalf of the council, before any court of summary jurisdiction, although he is not a certificated solicitor.

Proceedings by district auditor.

156.—(1) Notwithstanding anything in the Summary Jurisdiction Acts, a district auditor may commence any proceedings before a court of summary jurisdiction to recover sums certified by a district auditor to be due, at any time before the expiration of nine months from the date of the disallowance or surcharge, or in the event of an appeal being made to the High Court or to the Minister, before the expiration of nine months from the determination of the appeal.

(2) Subject to the approval of the Minister, the council of a county or county borough shall pay the costs, so far as not recovered from any other source, of any legal proceedings taken by or under the direction of a district auditor for the protection of the rates or property of the county or county borough or any parish therein, or for the recovery of any sum certified by the auditor to be due.

Power of council to pay costs of certain proceedings.

157.—(1) The council of any county or county borough may pay the reasonable costs of the apprehension and prosecution of any person who is charged—

(*a*) with refusing or neglecting to maintain himself or his family, or with running away and leaving his family chargeable, or whereby his family has become chargeable; or

(*b*) with wilfully neglecting or disobeying the rules, orders and regulations of the Minister; or (*c*) with any offence or misbehaviour in a workhouse or asylum; or

(*d*) with absconding or escaping from or leaving a workhouse or asylum; or

(*e*) with refusing or wilfully neglecting to perform a prescribed task of work; or

(*f*) with neglect or disobedience of the reasonable and lawful orders given for the purposes of the administration of the laws relating to the relief of the poor; or

(*g*) with obstructing or assaulting any officer engaged in the administration of the laws for the relief of the poor; or

(*h*) with fraudulently obtaining, stealing, embezzling, wasting, injuring, or wilfully misapplying any property applicable to or connected with the relief of the poor; or

(*i*) with any offence directly affecting the administration of the laws for the relief of the poor,

and the reasonable costs of apprehending and prosecuting any officer employed in the administration of the laws for the relief of the poor for any neglect or breach of any duty of his office, or for any maltreatment or abuse of any person.

(2) Subject to the approval of the Minister, every such council shall pay the costs (so far as not recovered from any other source) of all legal proceedings taken by any person whom the council have authorised or directed to institute legal proceedings.

Certificates of chargeability.

158. A certificate of chargeability, in such form as may be prescribed by order of the Minister or in a form to the like effect, may be issued by the council of any county or county borough, and every such certificate purporting to be signed by the clerk to the council shall, unless the contrary is shown, be sufficient evidence of the truth of all the statements contained therein, and shall, within the period of twenty-one days from the date of the certificate, be received in evidence accordingly by all courts of law and all justices and for all purposes without proof of the signature or of the official character of the person signing it.

Part VI. —*cont.*

Power to arrest inmates.

159. The master or porter of a workhouse, or the officer having charge of a casual ward, may arrest without warrant any inmate of the workhouse or ward charged with any offence therein punishable on summary conviction, and take him before a justice having jurisdiction in the place where the workhouse or ward is situated, and shall for the purposes of this section have all the powers and authority of a constable.

Inquiries and Disputes.

Power to hold inquiries.

160.—(1) The Minister may cause such inquiries to be held as he may consider necessary or desirable for the purposes of this Act.

(2) The Minister and any inspector appointed under this Act may by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and shall have power to take evidence on oath, and for that purpose to administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that—

(*a*) no person shall be required, in obedience to such a summons, to go more than ten miles from his place of abode; and

(*b*) nothing in this section shall empower the Minister or any inspector to require the production of the title, or of any instrument relating to the title, of any land or any interest therein not being the property of any county or county borough or of any parish.

(3) The Minister may, with the consent of the Treasury, appoint a person to act, for a period not exceeding thirty days, as an inspector for the purpose of conducting any special inquiry, and the Minister may delegate to any person so appointed such of his powers as he may deem necessary or expedient for summoning witnesses and conducting the inquiry.

(4) Every person who refuses or wilfully neglects to attend in obedience to any summons of the Minister

or of any inspector, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any books or other documents which he may be required to produce for the purposes of this Act shall be guilty of a misdemeanour.

(5) The Minister in any case where he thinks fit may order such expenses of a witness as he deems reasonable to be paid—

(*a*) where the witness attends in pursuance of a summons under this section and a county or county borough or any parish appears to the Minister to be interested, by the council of that county or county borough, or by the council of the county or county borough in which the parish is comprised, as the case may be; and

(*b*) in any other case, as part of the expenses of the Minister in the execution of this Act:

Provided that the Minister shall not order the expenses of a witness travelling more than ten miles from the county, county borough or parish, as the case may be, so interested to be paid by the council of any county or county borough.

(6) If a person is charged with any misconduct in any matter relating to the administration of the laws relating to the relief of the poor and a special inquiry into the charge is held, the person bringing the charge and the person charged shall be entitled to appear at the inquiry by counsel or solicitor, but this provision shall not be construed as affecting the powers of the person holding any inquiry under this Act (whether a special inquiry or not) to allow any person appearing at the inquiry to be represented by counsel or solicitor.

(7) Where the Minister causes an inquiry for the purposes of section three of this Act to be held, the costs incurred by him in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any inspector or officer engaged in the inquiry) shall be paid by such council or person as the Minister may direct, and the Minister may certify the amount of the costs so incurred, and any amount so certified and directed by him to be paid by any council or person shall be a debt due to the Crown from that council or person.

Part VI.—*cont.*

Power to refer to Minister disputes as to settlement, removal or chargeability.

161. County and county borough councils between whom any question affecting the settlement, removal or chargeability of any person arises, may by agreement under their common seals submit the question to the Minister for his decision, and the Minister may, if he sees fit, by order determine the question, and every such order shall in all courts and for all purposes be final and conclusive between the councils by whom the question was submitted.

Exemption from Stamp Duty.

Exemption from stamp duty.

162. No mortgage, bond, instrument or any assignment thereof, given by way of security in pursuance of the rules, orders or regulations made under this Act by the Minister, and conformable thereto, nor any contract or agreement made or entered into in pursuance of such rules, orders or regulations, and conformable thereto, nor any other instrument made in pursuance of this Act, shall be charged or chargeable with any stamp duty.

Supplementary.

Interpretation.

163.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"Administrative scheme" means in relation to any county or county borough the administrative scheme for the time being in force under the Local Government Act, 1929, being the scheme of administrative arrangements for discharging the functions transferred under Part I of that Act to the council of the county or county borough;

"Burial ground" includes a churchyard and any public burial ground or cemetery;

"Casual poor person" means any destitute wayfarer or wanderer applying for or receiving relief;

"Casual ward" means any ward, building or premises set apart or provided for the reception and relief of casual poor persons;

"Certified school" means a school certified under this Act, the Poor Law Act, 1927, or any Act repealed by that Act;

"Clerk to the council" means the clerk of the county council, or the town clerk of the county borough, as the case may be; and includes, in relation to any purpose, such other officer, if any, as may for that purpose be appointed or designated by the council of the county or county borough;

"County" means an administrative county (including the administrative county of London) but does not include a county borough;

"Functions" includes powers and duties;

"Institution for lunatics" has the same meaning as in the Lunacy Acts, 1890 to 1922, that is to say, an asylum, hospital or licensed house under those Acts;

"Licensed minister" or "minister" includes every person in holy orders, and every person teaching or preaching in any congregation for religious worship whose place of meeting is certified and recorded according to law;

"Local Act" includes a personal Act and any provisional order confirmed by an Act and the Act confirming the order;

"Lying-in hospital" means a hospital, house or place which was licensed in accordance with the provisions of the Lying-in Hospitals Act, 1773, or which would but for the provisions of the Midwives and Maternity Homes Act, 1926, have been required to be so licensed;

13 Geo. 3. c. 82.

16 & 17 Geo. 5. c. 32.

"Officer" includes any clergyman, schoolmaster, duly qualified medical practitioner, treasurer, master or matron of a workhouse, or any other person who is for the time being employed in any county or county borough in carrying this Act into execution;

"Poor person" includes any poor or indigent person applying for or receiving relief;

"Workhouse" includes any house in which poor persons are lodged and maintained, or any house or building purchased, erected, hired or used by a county or county borough council for the reception, employment, classification or relief of poor persons.

Part VI. —*cont.*

(2) For the purposes of this Act, in its application to the county of London, the expression "asylum" includes any workhouse or other building, and any ship, vessel, hut, tent, or other temporary erection which may be used by the London County Council, with the approval of the Minister, for the reception of poor persons, or otherwise for the purposes of an asylum.

(3) References in this Act to rules, orders and regulations made by the Minister include references to rules, orders and regulations made by the Local Government Board and the predecessors of that Board.

Repeals.

164.—(1) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that—

(*a*) nothing in this repeal shall affect any appointment, appeal, agreement, resolution, certificate, declaration, scale, rule, order, or regulation made, notice or relief given, or proceedings taken or instrument issued under any enactment hereby repealed, but any such appointment, appeal, agreement, resolution, certificate, declaration, scale, rule, order or regulation, notice, relief, proceedings or instrument shall have effect as if made, given, taken or issued under the corresponding provision of this Act and may be amended, varied, repealed, revoked, or enforced accordingly;

(*b*) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or the corresponding enactment in this Act;

(*c*) nothing in this repeal shall affect any appointment of any officer made under or by virtue of any enactment so repealed, but any such officer shall continue in office and shall be deemed to have been appointed under this Act;

(*d*) nothing in this repeal shall affect the powers conferred by the Local Government Act, 1929, of altering or revoking any administrative scheme.

(2) Where at the commencement of this Act compensation is payable to any parish by virtue of any order made in respect of any workhouse formerly belonging to the parish which, by virtue of section twenty-six of the Poor Law Amendment Act, 1834, became a workhouse for the common use of the union in which the parish was comprised, the compensation shall continue to be payable, but shall be liable to variation by order of the Minister notwithstanding any such repeal as aforesaid.

4 & 5 Will. 4. c. 76.

(3) Any workhouse or other establishment provided under the Poor Law Act, 1927, or any enactment repealed by that Act shall for the purposes of this Act be treated as a workhouse or establishment provided under this Act.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Short title, commencement, extent and saving.

165.—(1) This Act may be cited as the Poor Law Act, 1930.

(2) This Act shall come into operation on the first day of April, nineteen hundred and thirty.

(3) This Act shall not extend to Scotland or Northern Ireland.

(4) Nothing in this Act shall affect—

(*a*) the powers of councils of counties and county boroughs under the Poor Relief (Deserted Wives and Children) Act, 1718, if and so far as the powers of overseers under that Act were, by the Poor Law Amendment Act, 1834, made exercisable by boards of guardians; or

5 Geo. 1. c. 8.

(*b*) the operation of section twenty of the Local Government Act, 1929 (which relates to unions with appointed guardians) or of any order made under that section.

Section 60.

SCHEDULES.

FIRST SCHEDULE.

Form of Register of Apprentices.

Number.	Date of Indenture.	Name of Apprentice.	Sex.	Age.	Parents' Names.	Name of Persons to whom bound or assigned, as the case may be.	His or her Trade.	His or her Residence.	Term of the Apprenticeship or Assignment.	Apprentice or Assignment Fee.

SECOND SCHEDULE.

Section 61.

PROVISIONS AS TO APPRENTICES.

PART I.

Method of Assignment.

Subject to the consent of two justices being obtained as required by this Act, the master may by endorsement on the indenture of apprenticeship, or by other instrument in writing, assign the apprentice to any person who is willing to take him for the residue of the term of apprenticeship, and the person to whom the apprentice is to be assigned shall at the same time, by endorsement on the counterpart of the indenture or by writing under his hand referring to the indenture of apprenticeship and the endorsement and consent aforesaid, declare his acceptance of the apprentice, and acknowledge himself to be bound by the covenants in the indenture on the part of the master to be performed.

PART II.

Provisions as to Death of Master.

1. If the master dies during the term of the apprenticeship, the covenant inserted in the indenture of apprenticeship for the maintenance of the apprentice shall continue in force for three months after the death of the master and no longer, and during those three months the apprentice shall continue to live with and serve as an apprentice of the personal representatives of the master, or such other person as those personal representatives may appoint; and a provision to that effect shall be inserted in every indenture of apprenticeship, and if not inserted, the indenture shall have effect as if such provision were so inserted.

2.—(1) Within three months after the death of the master, a court of summary jurisdiction having jurisdiction in the place where the master died may, on the application of the surviving spouse, son, daughter, brother or sister of the master, or of his personal representatives, by endorsement on the indenture of apprenticeship, or by any other instrument in writing, order that the apprentice shall serve for the residue of the term of the apprenticeship as an apprentice of the person making the application, so, however, that such an order shall not be made unless that person lived with and formed part of the family of the master at the time of his death.

(2) The person obtaining such an order shall declare his acceptance of the apprentice by subscribing his name to the order, and from the making of the order the personal representatives and the estate of the deceased master shall be released and discharged from any covenant contained in the

2ND SCH. —*cont.* indenture and on the part of the master to be performed, and the person obtaining the order shall be the master of the apprentice, subject to the provisions of the indenture and this Schedule, in like manner as the deceased master.

3. If no such application as aforesaid is made within the said three months after the death of the master, or if the court to whom any such application as aforesaid is made do not think fit that the apprenticeship should be continued, the apprenticeship and the covenants contained in the indenture of apprenticeship shall terminate in like manner as they would have done at the expiration of the term of apprenticeship.

4. The foregoing provisions of this Part of this Schedule apply—

(*a*) only where the apprentice was living with and as part of the family or in the actual employment of the master at the time of his death; and

(*b*) not only in the case of the death of the original master but also, in like manner, in the case of the death of any subsequent master during the continuance of the term of apprenticeship.

Section 65.

THIRD SCHEDULE.

FORM OF REGISTER OF SERVANTS.

Name of Child.	Age.	Date of hiring or taking as servant.	Name of Master or Mistress.	Trade or other description of Master or Mistress.	Residence of Master or Mistress.

FOURTH SCHEDULE.

Section 164.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Geo. 5. c. 14.	The Poor Law Act, 1927.	The whole Act, except section eight, and except sections six, nine, ten, fourteen, fifteen, sixteen and twenty-seven, so far as those sections are applied by any other enactment, and except subsections (2) and (3) of section one hundred and fifty-four, and section one hundred and fifty-five, so far as they relate to the payment of costs, and except section two hundred and seven.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Section three, so far as it relates to functions discharged under this Act; sections six and seven; subsection (2) of section ten; section seventeen; paragraphs (*a*), (*b*), and (*c*) of section eighteen; and paragraph 21 of the Tenth Schedule, except as respects sub-paragraph (*b*) thereof.

CHAPTER 18.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty and one thousand nine hundred and thirty-one. [28th March 1930.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 3,446,767*l.* 13*s.* 9*d.* out of the Consolidated Fund for the service of the years ending 31st March 1929 and 1930.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the years ending on the thirty-first day of March one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty, the sum of three million four hundred and forty-six thousand seven hundred and sixty-seven pounds thirteen shillings and ninepence.

Issue of 194,330,950*l.* out of the Consolidated Fund for the service of the year ending 31st March 1931.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-one, the sum of one hundred and ninety-four million three hundred and thirty thousand nine hundred and fifty pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole one hundred and ninety-seven million seven hundred and seventy-seven thousand seven hundred and seventeen pounds thirteen shillings and ninepence.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-one, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not

later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

4. This Act may be cited as the Consolidated Fund (No. 3) Act, 1930. Short title.

CHAPTER 19.

An Act to raise to fifty million pounds the limit on the amount of the advances by the Treasury to the Unemployment Fund which may be outstanding during the deficiency period.

[15th April 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The limit on the amount of the advances to be made by the Treasury to the Unemployment Fund under section five of the Unemployment Insurance Act, 1921, as amended by subsequent enactments, which may be outstanding during the deficiency period shall be raised to fifty million pounds. Increase of limit of Treasury advances. 11 & 12 Geo. 5. c. 1.

2.—(1) This Act may be cited as the Unemployment Insurance (No. 2) Act, 1930, and shall be included among the Acts which may be cited together as the Unemployment Insurance Acts, 1920 to 1930. Short title, extent and repeal.

(2) This Act shall not extend to Northern Ireland.

(3) The Unemployment Insurance Act, 1928, is hereby repealed. 19 & 20 Geo. 5. c. 1.

CHAPTER 20.

An Act to make further provision for the drainage of agricultural land in Scotland.

[15th April 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Maintenance of banks and cleansing of channels of watercourses.

1.—(1) Where the owner or occupier of any agricultural land is of opinion that such land is being injured or is in danger of being injured by reason of the failure of the owner or occupier of any other land to maintain or to join in maintaining the banks or to cleanse or scour or to join in cleansing or scouring the channel of any watercourse in or partly in or adjoining such last-mentioned land, it shall be lawful for the owner or occupier of such first-mentioned land to serve a notice on the owner of the land last-mentioned requiring him to maintain or to join in maintaining the banks or to cleanse or scour or to join in cleansing or scouring the channel of any such watercourse as the case may be.

(2) Where a notice has been served in pursuance of the foregoing subsection and the requirements thereof have not been complied with within two months after the date of such service, it shall be lawful for the person serving the notice to apply to the sheriff for a warrant authorising him to cause the operations required in the notice to be carried out or to join with any other person in so doing.

(3) On any such application the sheriff, if he thinks fit, may summon a person of skill and experience in matters relating to drainage to sit with him and act as assessor, or may remit to any such person to examine and report on any matter involved in such application or on any disputed question of fact arising therein.

(4) If the sheriff is satisfied—

(*a*) that the land owned or occupied by the applicant is being or is in danger of being injured by such failure as aforesaid;

(*b*) that the person on whom the notice has been served is unreasonably refusing or delaying to take such steps as may be necessary to remedy or prevent such injury; and

(*c*) that the cost of carrying out any operations necessary to remedy or prevent such injury is such that it may reasonably be borne by the parties,

he may ordain the person upon whom the notice has been served to carry out such operations as the sheriff shall think necessary and that within such time as may be specified, and upon failure to implement such order the sheriff may grant a warrant authorising the carrying out of such operations, and the person authorised by such warrant shall have power to enter on the land where the operations are to be carried out, and to carry out the same. The sheriff, if he thinks fit, may, and on the application of any party, shall direct that any operations to be carried out under such an order or warrant as aforesaid shall be carried out under the supervision of a person of skill and experience in matters of drainage.

(5) If on any such application the sheriff shall be of opinion that the land owned or occupied by the applicant is being or is in danger of being injured by such failure as aforesaid, but that the cost of carrying out any operations necessary to remedy or prevent such injury is such that it would be unreasonable to make an order under this section for the carrying out of such operations, he may direct that intimation of the application and of his decision thereon be made to the Department of Agriculture for Scotland (hereinafter referred to as the Department), and that any report submitted to him under subsection (3) of this section, and any plan, map, or other document produced in the application, be communicated to the Department.

(6) On any such application the sheriff shall have power to direct that the costs of carrying out any operations in pursuance of an order or warrant granted under this section (including the remuneration of any person under whose supervision the operations are directed to be carried out) shall be borne by the parties in such proportions as he may think fit.

(7) The Court of Session may by Act of Sederunt make rules with regard to the remuneration of persons acting as assessors or as reporters or supervising the carrying out of operations under an order or warrant in pursuance of the provisions of this Act, and the remuneration of any person acting as assessor or as reporter shall be treated as expenses in the application unless the sheriff otherwise directs.

(8) Nothing in this section shall affect the right of an owner or occupier to recover from the other under the terms of any lease or other contract for the time being in force the amount of any expenses incurred by him or recovered from him under the foregoing provisions of this section.

Making of underground main drains.

2.—(1) Where the owner or occupier of any agricultural land is of opinion that such land is being injured or is in danger of being injured through the refusal of the owner of any land to allow underground main drains to be formed through his land, it shall be lawful for the owner or occupier of such agricultural land to apply to the sheriff for a warrant authorising him to make such underground main drains through the land of such owner.

(2) If the sheriff is satisfied that the land owned or occupied by the applicant is being or is in danger of being injured by such refusal as aforesaid, and that permission to make such underground main drains is being unreasonably withheld, he may after such inquiry by remit or report, or otherwise, as he may think necessary, grant a warrant authorising the making of such underground main drains, and the person so authorised shall have power to enter on the land where the operations are to be carried out, and to carry out the same. The sheriff, if he thinks fit, may, and on the application of the person through whose land such underground main drains are proposed to be made, shall direct that any operations to be carried out under such warrant shall be carried out under the supervision of a person of skill and experience in matters of drainage.

(3) Such warrant shall provide (i) for the payment by the person so authorised of compensation for any loss or damage caused to any other person by reason of the making of the underground main drains authorised by

such warrant, the amount of such compensation, failing agreement, to be determined by the sheriff after such inquiry as aforesaid; and (ii) for the proper maintenance or renewal of the said drains in the future at the expense of the owner for the time being of the said agricultural land.

(4) In any application to the sheriff under this or the immediately preceding section he shall have power to award expenses to or against any party to the application.

Schemes for drainage works.

3.—(1) Where the Department are of opinion that any agricultural land is capable of improvement by drainage works, or that any land in a landward area is being or is in danger of being injured by flooding and that such injury can be remedied or prevented by the execution of drainage works either on such land or any other land, the Department may, in accordance with the provisions of a scheme made under this section, enter on the land and execute such drainage works as appear to them desirable and may maintain such works.

(2) Before executing any works under this section the Department shall prepare a draft scheme specifying—

(*a*) the works proposed to be executed;

(*b*) the area to be affected thereby;

(*c*) the estimated cost of carrying out the scheme, the amount to be recoverable by the Department in respect of such cost, and the manner in which that amount is to be apportioned among the lands comprised in the area;

(*d*) the estimated cost of maintaining the works proposed to be executed and the manner in which such estimated cost is to be apportioned among the lands comprised in the area;

and shall give to the owners and occupiers of the land comprised in the area, and to any navigation authority or other body or person appearing to the Department or claiming to be affected by the scheme, notice in the prescribed manner of the making of the draft scheme, and of the place where it can be inspected and of the time within which objections to the scheme may be presented to the Department.

In estimating the cost of carrying out the scheme for the purposes of this subsection, the Department shall take into account the cost of the execution of the works and the compensation, if any, which may be expected to become payable in pursuance of this section.

(3) In fixing the amount of the cost recoverable by the Department and in apportioning that amount or in apportioning the estimated cost of maintenance among the lands comprised in the area affected by the scheme, the Department shall have regard to the benefit expected to accrue to such lands by reason of the execution of the scheme, and shall not apportion to any lands in respect of the estimated cost of carrying out the scheme and of maintaining the works an amount in excess of the estimated value of the benefit so expected to accrue to such lands, and in estimating the value of such benefit the Department shall take into account any probable increase in the value of the lands, any depreciation in the value of the lands which might be expected to occur if no such drainage works as are proposed in the scheme were undertaken, and any other benefit whether by way of relief from expenditure on drainage operations or in respect of damage by flooding or otherwise, which may accrue to the owner of the lands by reason of the execution of the works and shall also have regard to any expenditure incurred by such owner in respect of drainage works which are being carried out by such owner for the improvement of such lands or in respect of any contract or obligation entered into by such owner for the carrying out of such works.

(4) The Department shall consider any objections which may have been duly made, and shall settle the scheme and shall serve copies thereof on the owners and occupiers of the lands comprised in the area affected by the scheme and on any authority or other body or person appearing to the Department or claiming to be affected by the scheme, and shall publish the same in such manner as may be prescribed with a view to bringing it to the notice of any other person who may be affected.

(5) If the owner or occupier of any lands comprised in the area affected by a scheme within one month after the service on him in pursuance of the foregoing subsection of a copy of the scheme so requires, the amount to be apportioned to such lands in respect of the estimated

cost of carrying out the scheme and of maintaining the works shall be determined by arbitration in accordance with the provisions hereinafter contained with regard to claims for compensation. In any such arbitration the arbiter shall have regard to the matters mentioned in subsection (3) of this section, and where the amount fixed by the arbiter differs from the amount specified in the scheme, the scheme shall be amended accordingly.

(6) The cost incurred by the Department under this section in carrying out a scheme to an amount not exceeding the amount declared by the scheme to be the amount recoverable by them shall be recoverable by the Department from the several owners of the lands comprised in the area affected by the scheme according to the apportionment therein contained:

Provided that if any owner so requires in writing, the sum payable by him shall be recovered by means of a rate to which the following provisions shall apply:—

(*a*) The rate shall be of such amount as will be sufficient to discharge the sum payable, together with interest thereon at the rate of five per centum per annum, in such period not exceeding thirty years as the Department may determine:

(*b*) The rate shall be payable by the owner and the occupier in such proportions as may be fixed in any agreement made by the parties and confirmed by the Department or, failing such agreement, as the Department, having regard to the benefit derived from the works, the contract of tenancy, and all other circumstances of the case and after giving to the parties an opportunity of being heard may determine:

(*c*) The proportion of any such rate allocated to the owner or to the occupier shall during the period for which it is made be levied on and recovered from the owner or the occupier for the time being of the lands by the rating authority in like manner in all respects as if it were a rate leviable by that authority, and shall be paid over by the rating authority to the Department, provided always that if any such lands shall be unoccupied at any time during the said period the owner shall be liable during such time for the proportion of the rate allocated to the occupier as well as for the proportion allocated to the owner.

(7) If any owner or occupier of lands comprised in the area affected by the scheme or any other person intimates to the Department, within one month after the service on him of a copy of the scheme in pursuance of subsection (4) of this section, or where such service has not been made on him within one month after the publication of the scheme in pursuance of the said subsection, a claim for compensation in respect of injury or damage which will be suffered by him in consequence of the execution or maintenance of the drainage works in accordance with the scheme, and if the Department does not admit such claim or agree upon the amount of compensation therefor with such owner, occupier, or person, the question shall be determined by a single arbiter nominated on the application of either party by any Lord Ordinary of the Court of Session.

(8) Such number of persons as may be appointed for the purposes of this Act by the Reference Committee within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall form a panel of persons from whom any arbiter nominated in pursuance of the foregoing subsection shall be selected. Any application for the nomination of an arbiter shall be made by petition and any such petition may be in writing and need not be printed or boxed.

9 & 10 Geo. 5. c. 57.

(9) Every scheme made under this section shall so soon as all claims for compensation have been agreed on or determined, and if the Department propose to proceed with it, be laid before both Houses of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such scheme is laid before it praying that the scheme may be annulled it shall be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new scheme.

(10) When a scheme has been laid before Parliament in accordance with the foregoing subsection, and the period within which an address praying that the scheme

may be annulled has expired and no such address has been presented, the Department may decide to proceed with the execution of the works in accordance with the scheme, and if they so decide shall intimate such decision to the persons on whom copies of the scheme shall have been served in pursuance of subsection (4) of this section, and any compensation agreed upon or determined in pursuance of the foregoing provisions of this section shall then become due.

(11) Where a scheme becomes void in pursuance of subsection (9) of this section, or where the Department decide not to proceed with a scheme, they shall pay to any person such expense as he may reasonably have incurred in connection with the making of the scheme or with any claim by him to compensation, and the amount of such expense shall in default of agreement be determined in like manner as a claim to compensation under this section.

(12) The cost incurred by the Department in maintaining drainage works executed in pursuance of a scheme under this section shall in so far as such cost does not exceed the estimated cost of maintenance specified in the scheme be recoverable by the Department from the owners of the lands comprised in the area affected by the scheme according to the apportionment therein contained, and any sum due by any such owner in respect of such cost shall, if the Department so decide, be levied on and recovered from such owner by the rating authority in like manner in all respects as if it were a rate leviable by that authority and shall be paid over by the rating authority to the Department.

(13) If any lands comprised in an area affected by a scheme shall after the date when the scheme was settled be owned by two or more separate owners or be occupied by two or more separate occupiers, any sum payable by the owner or occupier of such lands under subsection (6) or subsection (12) of this section shall be divided among and payable by the separate owners or occupiers, as the case may be, in proportion to the gross annual value appearing in the valuation roll of the separate parts of such lands owned or occupied by them.

(14) Where at any time within two years of the completion of the works in pursuance of a scheme a

person intimates to the Department a claim for compensation in respect of damage or injury done to him in consequence of and directly attributable to the execution or the maintenance of the works, he shall be entitled to compensation for any such damage or injury which could not reasonably have been anticipated at the time the scheme was made, and any question as to such compensation shall be determined in default of agreement in accordance with the foregoing provisions of this section as to compensation.

(15) In this section any reference to "lands" shall be deemed to include a reference to salmon fishings.

Powers of entry on land.

4. Any person authorised in that behalf by the Department for the purpose of carrying their powers under this Act into effect, may on production, if so required, of his authority, enter on and inspect any land and take measurements and observations by such methods as the Department may deem necessary.

If any person prevents or obstructs the entry for the purpose aforesaid on any land of any person authorised under this section, or the taking of measurements or observations in accordance therewith, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Expenses of Department of Agriculture.

5. The expenses of the Department under this Act so far as not recovered in manner provided by this Act shall, to such an amount as the Treasury may sanction, be defrayed out of moneys provided by Parliament.

Service of notices, &c.

6. Any notice or other document required or authorised by this Act to be served on any person may be served by delivery to that person or by post, and service on the known agent of any person shall be deemed to be service on that person.

Crown rights.

7. Nothing in this Act shall affect prejudicially any estate, right, power, privilege, or exemption of the Crown, or authorise the apportionment of any part of the cost of carrying out a scheme to, or the recovery of any part of the cost of maintaining drainage works in respect of any land (including tidal lands below high-water mark of ordinary spring tides) belonging to His Majesty in right of his Crown or to any Government

Department, and nothing in this Act shall authorise the use of or interference with any land (including as aforesaid) belonging to His Majesty in right of His Crown, or to any Government Department, without the consent of His Majesty or the Government Department as the case may be.

Works below high-water mark.

8. Nothing in this Act shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, or the using thereof for any purposes (including the deposit thereon of shingle, sand, clay or other matter), except in accordance with such plans and sections, and subject to such restrictions and regulations as, previous to such works being commenced, have been approved by the Board of Trade in writing.

Interpretation.

9. In this Act unless the context otherwise requires:—

The expression "agricultural land" shall include any land used for agricultural or pastoral purposes or for the purpose of poultry farming or as a market garden, orchard, allotment, or allotment garden, and any woodlands or land used for the purpose of afforestation:

The expression "drainage works" shall include the cleansing, scouring, deepening, widening, straightening, or diverting of any watercourse or outfall for water, the removal of any obstruction, natural or artificial, in any watercourse, and the construction of any new watercourse or outfall for water; the construction, repair, raising, lowering, widening, strengthening, or altering, of any embankment, dam, sluice, weir, wall, groyne, or of any structure or erection for the purpose of defence against water; and any works for the prevention or abatement of injury or damage which might be caused by the carrying out of any of the aforesaid operations:

The expression "watercourse" shall include any river, stream, ditch, drain (whether open or closed), cut, culvert, dyke, or sluice:

The expression "rating authority" has the like meaning as in the Local Government (Scotland) Act, 1929:

19 & 20 Geo. 5. c. 25.

The expression "prescribed" means prescribed by the Secretary of State.

Repeal. 10 & 11 Vict. c. 113.

10. The Land Drainage (Scotland) Act, 1847, is hereby repealed.

Extent, short title and duration

11.—(1) This Act shall extend to Scotland only and may be cited as the Land Drainage (Scotland) Act, 1930.

(2) The powers of the Department to prepare and settle schemes shall, unless continued by Parliament, cease on the expiry of five years from the passing of this Act, but nothing in this subsection shall prejudice or affect any powers under or provisions regarding schemes settled within that period.

CHAPTER 21.

An Act to extend the Children (Employment Abroad) Act, 1913, to persons under the age of eighteen years. [15th April 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of 3 & 4 Geo. 5. c. 7, to persons under 18.

8 Edw. 7. c. 67.

1. The Children (Employment Abroad) Act, 1913, shall extend to persons under the age of eighteen years, and accordingly in that Act, and in section twenty of the Children Act, 1908, so far as it is applied by that Act, the expression "young person" shall mean a person who is fourteen years of age or upwards and under the age of eighteen years.

Short title, citation and extent.

2.—(1) This Act may be cited as the Children (Employment Abroad) Act, 1930, and the Children

(Employment Abroad) Act, 1913, and this Act may be cited together as the Children (Employment Abroad) Acts, 1913 and 1930.

(2) It is hereby declared that this Act extends to Northern Ireland.

CHAPTER 22.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. [29th April 1930.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and forty-eight thousand nine hundred, including those to be employed at the depots in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions, other than Aden:

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-two thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid: 7 & 8 Geo. 5. c. 51.

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and thirty on the following days:—

(*a*) In Great Britain and Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the Army and Air Force (Annual) Act, 1930.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

Army Act and Air Force Act to be in force for specified times.

(*a*) Within Great Britain and Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and thirty, to the thirtieth day of April, one thousand nine hundred and thirty-one, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and thirty, to the thirty-first day of July, one thousand nine hundred and thirty-one, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act.

Prices in respect of billeting.

AMENDMENTS OF ARMY AND AIR FORCE ACTS.

Part I.

Amendment of Army Act.

4. In section one hundred and thirty-eight of the Army Act (which relates to penal stoppages from ordinary pay of soldiers) for paragraph (7) there shall be substituted the following paragraph:—

Amendment of Army Act, s. 138.

> "(7) The sum required to pay any fine awarded by a court martial or his commanding officer, or any fine, penalty, damages, compensation, or costs which a civil court before which he has been charged with an offence has ordered him to pay; and"

PART II.

AMENDMENTS OF ARMY ACT APPLICABLE ALSO TO AIR FORCE ACT.

Abolition of death penalty in certain cases.

5. For the purpose of abolishing death as a penalty for certain offences, the following amendments shall be made in the Army Act,—

(1) In section four, paragraph (7) (including the word "or" immediately preceding that paragraph) shall be omitted, and in section five after paragraph (6) the following paragraph shall be inserted :—

"or

"(7) Misbehaves or induces others to misbehave before the enemy in such manner as to show cowardice."

(2) In subsection (1) of section six, paragraphs (*b*), (*h*) and (*k*) (including the word "or" immediately preceding the last mentioned paragraph) shall be omitted, and in subsection (2) of the said section after paragraph (*e*) the following paragraphs shall be inserted :—

"or

"(*f*) Without orders from his superior officer, leaves his guard, piquet, patrol or post; or

"(*g*) By discharging firearms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasions false alarms in action, on the march, in the field, or elsewhere; or

"(*h*) Being a soldier acting as sentinel, leaves his post before he is regularly relieved,"

(3) In subsection (1) of section twelve, for the word "death" there shall be substituted the words "penal servitude."

Amendment of Army Act, s. 91.

6.—(1) For section ninety-one of the Army Act, the following section shall be substituted, but without prejudice to the continuing validity and effect of any order made under the said section ninety-one before the date on which this section comes into operation :—

"91.—(1) The Army Council or any officer deputed by them for the purpose may, if they or he think proper, on account of a soldier's lunacy, cause any soldier of the regular forces on his discharge, and his wife and child, or any of them (being in such a state of health as not to be liable to suffer bodily or mental injury by removal) to be sent to the poor law area in England, Scotland or Northern Ireland to which, under the statutes for the time being in force, he appears from the statements made in his attestation paper and other available information to be chargeable; and such soldier, wife, or child, if delivered after reasonable notice, in the case of England or Scotland, at any institution of the poor law authority of the said area, or, if a particular institution has been designated for the purpose by the clerk to that authority, at that institution, and, in the case of Northern Ireland, at the institution in which persons settled in the said poor law area are received, shall be received by the master or other proper officer of the institution:

Delivery of lunatic soldier on discharge with his wife or child at poor law institution, or of dangerous lunatic at asylum.

"Provided that the Army Council, or officer deputed by them for the purpose, if satisfied that the soldier is a dangerous lunatic, may by order in writing cause him to be sent direct, in the case of England or Scotland, to any asylum in which lunatics who are in an institution of, or are chargeable to, the said poor law area may lawfully be received, or, if a particular asylum has been designated for the purpose by the clerk to the poor law authority of the area, to that asylum, and, in the case of Northern Ireland, to the asylum of the district in which the said poor law area is situate.

"(2) The clerk to any poor law authority in England or Scotland shall, on receiving a request from the Army Council or officer deputed by them for the purpose, forthwith designate to them or him an institution of the authority, or, as the case may be, an asylum in which lunatics who are in an institution of, or are chargeable to, the area of the authority may lawfully be received, as being a convenient institution or asylum for the reception of any person mentioned in the request.

"(3) In this section the expression 'poor law area' means, in the case of England, a county or a county borough, in the case of Scotland, a county or a large burgh, within the meaning of the Local Government (Scotland) Act, 1929, and, in the case of Northern Ireland, a poor law union; the expression 'poor law authority' means, in relation to a county, county borough or large burgh, the council thereof and in relation to a poor law union, the board of guardians thereof; and the expression 'institution' means, in the case of England or Northern Ireland, a workhouse, and, in the case of Scotland, a poorhouse.

19 & 20 Geo. 5. c. 25.

"(4) An order made under the proviso to subsection (1) of this section shall be of the like effect, and the like proceedings shall be taken thereon, as if it were, in the case of a lunatic sent to an asylum in England, a summary reception order made under the Lunacy Act, 1890, in the case of a lunatic sent to an asylum in Scotland, an order of the sheriff made under section fifteen of the Lunacy (Scotland) Act, 1862, and in the case of a lunatic sent to an asylum in Northern Ireland, a warrant granted by two justices under section ten of the Lunacy (Ireland) Act, 1867; and for the purposes of any enactment relating to the cost of the maintenance of any such lunatic, the poor law area to which in the opinion of the Army Council, or officer deputed by them, the lunatic is chargeable shall be deemed to be the place from which he was sent to the asylum."

53 Vict. c. 5.

25 & 26 Vict. c. 54.

30 & 31 Vict. c. 118.

(2) Notwithstanding anything in section fourteen of the Army (Annual) Act, 1904, this section shall come into operation, in so far as it relates to the removal of persons to institutions or asylums in England or Northern Ireland, upon the passing of this Act and, in so far as it relates to the removal of persons to institutions or asylums in Scotland, on the sixteenth day of May, nineteen hundred and thirty.

4 Edw. 7. c. 5.

Amendment of Army Act, s. 145.

7. In subsection (1) of section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain wife and children) for the words "any union, parish or place" there shall be substituted the words "any area or place."

Application of Army Act in relation to Aden.

8. After section 187A of the Army Act, the following section shall be inserted—

> "187B.—(1) This Act shall apply in relation to Aden as if it were a colony and as if the Resident and Commander-in-Chief or, in his absence, the person acting as such, were the Governor thereof.
>
> (2) In this section the expression 'Aden' includes any dependency of Aden, but does not include the Aden Protectorate."

Application to Air Force.

9. References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of this Part of this Act shall in their application to the Air Force Act have effect subject to any of the general modifications set out in Part I of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and to the special modifications set out in the Second Schedule to this Act.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

PRICES IN RESPECT OF BILLETING.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.

1st Sch. —*cont.*

Accommodation to be provided.	Maximum Price.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw a day for each horse.	Two shillings and threepence a day.
Stable room without forage - - -	Sixpence a day.
Lodging and attendance for officer - -	Three shillings a night.

Note.—An officer shall pay for his food.

In the application of this Schedule to the Air Force, references to Air Force Act and airman shall be substituted for references to Army Act and soldier.

Section 9.

SECOND SCHEDULE.

SPECIAL MODIFICATIONS TO BE MADE IN PART II. OF THIS ACT FOR THE PURPOSES OF ITS APPLICATION TO THE AIR FORCE ACT.

The paragraph which is directed to be inserted in section five of the Army Act after paragraph (6) of the said section shall, in the case of the Air Force Act, be inserted after paragraph (8) and be numbered "(9)" instead of "(7)."

From the second of the paragraphs which are directed to be inserted in subsection (2) of section six of the Army Act, there shall, in the case of the Air Force Act, be omitted the words "drawing swords, beating drums," and the words "in action, on "the march, in the field, or elsewhere."

10 & 11 Geo. 5. c. 7.

Any reference to section fourteen of the Army (Annual) Act, 1904, shall, in the case of the Air Force Act, be read as a reference to section twenty-seven of the Army and Air Force (Annual) Act, 1920.

CHAPTER 23.

An Act to amend the Lunacy Acts, 1890 to 1922, and such of the provisions of the Mental Deficiency Acts, 1913 to 1927, as relate to the constitution and organisation of the work of the Board of Control, the exercise of the powers of the Board and the protection of persons putting those Acts into operation. [10th July 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

VOLUNTARY PATIENTS.

Power to receive voluntary patients.

1.—(1) Any person who is desirous of voluntarily submitting himself to treatment for mental illness, and who makes a written application for the purpose to the person in charge, may without a reception order be received as a voluntary patient in an institution within the meaning of this Act, or in any hospital, nursing home or place approved for the purposes of this section by the Board of Control, or into the charge as a single patient of a person so approved, and any approval under this section may be granted subject to such conditions as the Board think proper and may be revoked at any time.

(2) Any person under the age of sixteen whose parent or guardian is desirous of submitting him to treatment for mental illness may, if the parent or guardian makes to the person in charge a written application for the purpose accompanied by a medical recommendation, be received as a voluntary patient under this section, but such a person shall not be so received on his own application.

(3) The medical recommendation referred to in the last subsection shall—

(*a*) be signed by a registered medical practitioner, who shall be either the usual medical attendant of the person to whom the application relates, or a medical practitioner who has been approved for the purpose of making such a recommendation either by the Board of Control or by the local authority within whose area the said person then is; and

(*b*) state the qualifications of the medical practitioner, the date or dates on which he examined the said person, and that the said person is likely to be benefited by being received as a voluntary patient for treatment for mental illness under this section.

(4) A medical recommendation shall cease to have effect for the purposes of this section on the expiration of fourteen days from the last date on which the person to whom the recommendation relates was examined by the medical practitioner for the purpose of making the recommendation.

(5) Any person received as a voluntary patient under this section may leave the institution, hospital, home or place upon giving to the person in charge seventy-two hours' notice in writing of his intention to do so, or if he is a person under the age of sixteen upon such notice being given by his parent or guardian.

(6) For the purposes of this section, the expression "guardian" in relation to a person under the age of sixteen includes any person having the charge of the person under sixteen.

Notice of reception, death and departure of voluntary patients and provisions as to discharge of patients.

2.—(1) Where a person is received as a voluntary patient under the foregoing section of this Act or under the provisions of any local Act, notice of his reception shall before the expiration of the second day after the day on which he was so received be sent to the Board of Control in the case of a patient in an institution which has a visiting committee, by the clerk of the institution, and in any other case by the person in charge.

(2) If a person received as aforesaid dies in or departs from the institution, hospital, home or place where he was residing, notice of the fact shall, before the expiration of the second day after the day of the death

or departure, be sent to the Board of Control in the case of a patient in an institution which has a visiting committee, by the clerk of the institution, and in any other case by the person in charge.

(3) If any person received as aforesaid becomes at any time incapable of expressing himself as willing or unwilling to continue to receive treatment, he shall not thereafter be retained as a voluntary patient for a longer period than twenty-eight days, and shall, if he has not been previously discharged, be discharged on the expiration of twenty-eight days from the date on which he became incapable of so expressing himself, unless in the meantime he has again become capable of so expressing himself, or steps have been taken to deal with him either under the principal Act as a person of unsound mind or under section five of this Act as a person who is likely to benefit by temporary treatment.

(4) If a person who is under the age of sixteen and who has been received as aforesaid ceases to have any parent or guardian, or if his parents or guardians are incapable of performing, or refuse or persistently neglect to perform, their duty as such, the person in charge shall send to the Board of Control a report as to the circumstances of the case and the condition of the patient, and the Board shall forthwith consider the report and give such directions with respect to the case as they think fit.

(5) If any person fails to give any notice required to be given by him under subsection (1) or subsection (2) of this section, he shall for each day or part of a day during which the default continues be liable to a penalty not exceeding five pounds.

Visitation of voluntary patients.

3.—(1) Any commissioner may at any time visit a person received as a voluntary patient under section one of this Act or under the provisions of any local Act, and report to the Board of Control on the case.

(2) If the Board of Control are of opinion that the mental state of any such voluntary patient is such as to render him unfit to remain as a voluntary patient, they may order the person in charge either to discharge the patient, or to take steps to deal with him either under the principal Act as a person of unsound mind or

under section five of this Act as a person who is likely to benefit by temporary treatment.

Power to lodge relatives and friends of patients.

4. Any relative or friend of a person who is received as a patient under any of the provisions of the principal Act or this Act or any local Act may be received and lodged as a boarder in any registered hospital or licensed house as long as the patient is resident therein:

Provided that for the purposes of the provisions of the principal Act relating to the number of patients who may be received in such hospitals or houses any such relative or friend shall be reckoned as a patient unless he is lodged in a part of the hospital or house not permitted to be used for the accommodation of patients.

TEMPORARY TREATMENT WITHOUT CERTIFICATION.

Provision for temporary treatment without certification of certain persons.

5.—(1) Subject to the provisions of this section, a person who is suffering from mental illness and is likely to benefit by temporary treatment but is for the time being incapable of expressing himself as willing or unwilling to receive such treatment may, on a written application duly made in accordance with the provisions of this section but without a reception order, be received as a temporary patient for the purpose of treatment—

(i) into an institution maintained by a local authority; or

(ii) into a registered hospital; or

(iii) into any such other institution, hospital or nursing home as may be approved by the Board of Control for the reception of such temporary patients; or

(iv) with the consent of the Board of Control, into charge as a single patient.

(2) An application under this section must be in the form set out in Part I of the First Schedule to this Act, must be made to the person in charge and must, if possible, be made by the husband or wife, or by a relative of the person to whom it relates, or, on

the request of the husband or wife or of a relative, by a duly authorised officer of the local authority within whose area the said person then is, and, if the application is not so made, it shall contain a statement of the reason why it is not so made, of the connection of the applicant with the person to whom it relates and of the circumstances in which he makes the application.

(3) The application shall be accompanied by a recommendation in the form set out in Part II of the First Schedule to this Act, signed by two registered medical practitioners, of whom one shall be a medical practitioner (not being the usual medical attendant of the person to whom the application relates) approved by the Board of Control for the purpose of making recommendations under this section and the other shall be, if practicable, the usual medical attendant of the person to whom the application relates:

Provided that in the case of a person who is to be received into a licensed house or a nursing home or into charge as a single patient the recommendation shall not be signed by the person in charge, or by any person in the employment of the person in charge, or by any person interested in the house or home, or by any person in the employment of any person so interested.

(4) Each of the medical practitioners by whom a recommendation under this section is to be made shall, before signing the recommendation, examine the person to whom the recommendation relates either separately or in conjunction with the other and shall specify in the recommendation the date on which he so examined the said person and the grounds on which he bases his recommendation.

(5) A recommendation shall be of no effect for the purposes of this section if there is a greater interval than five clear days between the dates on which the person to whom the recommendation relates was examined by the two medical practitioners respectively and any such recommendation shall cease to have effect on the expiration of fourteen days from the date on which the person to whom the recommendation relates was examined by the two medical practitioners, or if he was examined by those practitioners on two different

dates, on the expiration of fourteen days from the later of those dates.

(6) Where a person is received as a temporary patient under this section, notice of his reception together with a copy of the application on which he was received and of the recommendation accompanying the application shall, before the expiration of the second day after the day on which he was received, be sent, in the case of a patient received into an institution which has a visiting committee, by the clerk of the institution to the Board of Control and to the clerk of the visiting committee, and, in any other case, by the person in charge to the Board of Control and to the clerk to the visitors of licensed houses for the district in which the patient is. The Board of Control shall upon the signed request of any person who considers himself to be unjustly detained under such application or recommendation furnish to him or to his authorised representative free of cost a copy of such application or recommendation.

(7) If a person so received dies in or departs from the institution, hospital, home or place where he was residing, notice of the fact shall before the expiration of the second day after the day of the death or departure, be sent, in the case of a patient in an institution which has a visiting committee, by the clerk of the institution to the Board of Control and to the clerk of the visiting committee, and, in any other case, by the person in charge to the Board of Control and to the clerk to the visitors of licensed houses for the district in which the patient was immediately before the death or departure.

(8) If any person fails to comply with any of the provisions of the last two preceding subsections he shall, for each day or part of a day during which the default continues, be liable to a penalty not exceeding five pounds.

(9) Within one month of the reception of any person received as a temporary patient under this section he shall be visited by at least two members of the visiting committee of the institution, if he is in an institution which has a visiting committee, or if he is not in such an institution by two at least of the visitors of licensed houses appointed for the district in which he is, of which visitors one must be a registered medical practitioner:

Provided that in the area within the immediate jurisdiction of the Board of Control, the duty imposed by this section on the visitors of licensed houses shall be performed by the Board of Control.

(10) If the persons making the said visits are of opinion that it is proper that the patient should continue to be detained they shall sign a statement to that effect and shall leave it with the person in charge but if they are of opinion that it is not proper that he should continue to be detained, they shall, before the expiration of the second day after the day of the said visit, send to the Board of Control a report stating their said opinion, and the grounds on which it is based, together with such other observations as they think fit.

(11) Subject to the provisions of this section a person received as a temporary patient may be detained for a period not exceeding six months but shall not be detained as such for any longer period.

(12) If a person who has been received as a temporary patient becomes capable of expressing himself as willing or unwilling to continue to receive treatment, he shall not thereafter be detained for more than twenty-eight days unless in the meantime he has again become incapable of so expressing himself.

(13) Where it is anticipated that a person who is undergoing treatment as a temporary patient under this section will not recover within the period of six months, but his early recovery appears reasonably probable, that period may from time to time be extended for further periods of such length not exceeding three months as may be specified in directions given by the Board of Control upon the application of one of the persons mentioned in subsection (2) of this section, made in such form and accompanied by such evidence or recommendations as the Board may by rules made under section three hundred and thirty-eight of the principal Act prescribe, provided that such further periods shall in no case exceed six months in all.

(14) The Board of Control may at any time order—

(i) that any person received as a temporary patient shall be discharged; or

(ii) that steps shall be taken to deal with him under the principal Act as a person of unsound mind.

(15) Without prejudice to the provisions of the last two preceding subsections, the provisions of sections seventy-two to seventy-four, seventy-six to eighty and eighty-two and eighty-three of the principal Act (which relate to the discharge of persons of unsound mind detained under that Act) shall apply to any person received as a temporary patient under this section as they apply to persons detained under that Act, subject, however, to such modifications and adaptations as may be prescribed by rules made under section three hundred and thirty-eight of the principal Act.

(16) Section one hundred and sixteen of the principal Act (which relates to the extent of the administrative powers of the Judge in Lunacy) shall have effect as if there were added at the end of subsection (1) thereof the following new paragraph:

> "(*g*) To every person received as a temporary patient under section five of the Mental Treatment Act, 1930."

(17) Any approval granted by the Board of Control under this section may be granted subject to such conditions as the Board think proper and may be revoked at any time.

PROVISIONS AS TO LOCAL AUTHORITIES.

Powers and duties of local authorities.

6.—(1) It shall be the duty of every local authority to investigate the needs of their area, and to take such steps as they consider necessary to provide and maintain suitable accommodation for the reception of temporary patients under the last foregoing section of this Act and a local authority shall have power, subject to the approval of the Board of Control, to contract for the reception and treatment of such patients in any registered hospital or any institution, hospital, or nursing home approved by the Board of Control under that section.

(2) A local authority shall have power to receive and lodge any person as a voluntary patient under section one of this Act and to maintain and treat him in any institution under their control on such terms and conditions as to payment or otherwise as may be agreed, or, subject to the approval of the Board of Control, to contract for the reception and treatment of such patients in any registered hospital or any hospital or nursing

home approved by the Board of Control under that section.

(3) A local authority shall have power—

(*a*) to make arrangements, whether by the provision of institutions or otherwise, for treatment as out-patients, either gratuitously or on such terms as to payment as they think fit, of persons suffering from mental illness;

(*b*) to make provision for the after-care of any persons who have undergone treatment for mental illness and to contribute to the funds of voluntary associations formed for that purpose;

(*c*) to contribute to the funds of voluntary associations formed for the purpose of the prevention and treatment of mental illness;

(*d*) subject to the approval of the Board of Control to undertake research in relation to mental illness and the treatment thereof, and to make contributions towards the expenses of any body of persons engaged in such research;

(*e*) to make and carry into effect agreements with any other local authority for providing for co-operation in or joint exercise of any powers conferred on them by this subsection, and for the apportionment between the authorities of the expenses incurred under the agreements.

(4) The powers of local authorities and visiting committees with respect to the provision, equipment and maintenance of mental hospitals, including the power to acquire land and borrow money, shall extend to the provision, equipment and maintenance of institutions for the purposes of this Act and, subject to such modifications and adaptations as may be prescribed by rules made under section three hundred and thirty-eight of the principal Act, the provisions of sections two hundred and seventy-five to two hundred and seventy-eight of that Act (which relate to the making of general rules and regulations and the appointment and duties of certain officers) shall apply in relation to institutions maintained by a local authority as they apply in relation to mental hospitals.

(5) The Asylums Officers' Superannuation Act, 1909, shall have effect as if for references therein to mental

hospitals there were substituted references to institutions maintained by local authorities.

(6) The powers conferred by the principal Act on local authorities for the purchase of land by agreement for the purpose of providing mental hospital accommodation shall be deemed to have been conferred in substitution for and not in addition to any powers conferred on local authorities by any previous Act for the purchase of land by agreement for the said purpose.

Provisions as to visiting committees.

7.—(1) Every local authority shall appoint annually a visiting committee consisting of not less than seven members and shall exercise the powers conferred on them by this Act and the principal Act, except the power of raising a rate or borrowing, by the visiting committee:

Provided that the visiting committee shall comply with such directions, if any, as may be given by the local authority as to which of the methods of providing accommodation authorised by the principal Act or this Act shall be adopted.

(2) The provisions of subsections (4) and (5) of section one hundred and sixty-nine and of sections one hundred and seventy-one to one hundred and seventy-six of the principal Act shall apply to visiting committees appointed under this section as they applied to visiting committees appointed under section one hundred and sixty-nine of that Act.

(3) The visiting committee so appointed shall be the visiting committee of each institution maintained by the local authority, except where under an agreement to unite a separate visiting committee is appointed for any institution to which the agreement relates:

Provided that the visiting committee may appoint sub-committees and may delegate to those sub-committees such powers and duties as the committee from time to time think fit, and if the committee is the visiting committee of more than one mental hospital shall appoint a sub-committee for each such hospital, and the provisions of subsections (4) and (5) of section one hundred and sixty-nine of the principal Act shall apply in relation to any sub-committee appointed for an institution as if they were herein re-enacted with the substitution for references to the visiting committee of references to the sub-committee.

(4) A local authority may appoint as members of a visiting committee persons who are not members of that authority, so however that the number of persons so appointed shall not exceed one-third of the total number of the committee or where the whole of the committee is not appointed by that authority, one-third of the members appointed by that authority.

(5) Nothing in this section shall affect the power of the Minister of Health under section sixty-six of the Mental Deficiency Act, 1913, to authorise a local authority to appoint a committee for the care of the mentally defective to be the visiting committee.

3 & 4 Geo. 5. c. 28.

(6) Two members at least of every visiting committee appointed under this section shall be women, one member at least of every sub-committee appointed under this section for an institution shall be a woman, and where under an agreement to unite a separate visiting committee is appointed for any institution one at least of the members appointed after the commencement of this Act by each local authority which appoints three or more members of the committee shall be a woman.

(7) This section shall not apply to the county of London.

Power to appoint single medical officer to supervise two or more mental hospitals.

8.—(1) Where a local authority have provided two or more mental hospitals for their area, a resident medical superintendent shall be appointed to have immediate charge of each of those hospitals, and there may also be appointed a supervising medical officer (who may, but need not, be one of the said resident medical superintendents), to have general supervision over all of those hospitals.

(2) Where such a supervising medical officer is appointed, the local authority shall, subject to the approval of the Board of Control, make rules defining his duties and the relations between him and the medical superintendents at the several hospitals.

Expenses of local authorities.

9.—(1) Any expenses incurred under the principal Act or this Act by a local authority shall be defrayed—

(*a*) in the case of the council of a county which does not comprise the area or any part of the area of any other local authority, as expenses for general county purposes;

(*b*) in the case of the council of a county which comprises the area or some part of the area of another local authority, as expenses for special county purposes from contribution to which that area or part of an area is exempt;

(*c*) in the case of any other local authority, out of the general rate fund.

(2) This section shall not apply to the administrative county of London.

Application to London.

5 & 6 Geo. 5. c. ciii.

10.—(1) The powers and duties conferred or imposed by this Act on local authorities shall, so far as relates to the county of London, be powers and duties of the London County Council, and section thirty-five of the London County Council (General Powers) Act, 1915, shall have effect as though the said powers had been transferred to the London County Council by that Act.

(2) Any expenses (other than expenses relating to the provision, equipment and maintenance of buildings) incurred under this Act by the London County Council or the Common Council of the city of London shall be defrayed as if they were expenses for general county purposes of the administrative county of London, and the London County Council shall repay to the Common Council of the city of London at the end of every half-year all expenses reasonably incurred by the Common Council as aforesaid.

(3) Any expenses relating to the provision, equipment and maintenance of buildings under this Act shall be defrayed in the case of the London County Council as expenses for special county purposes, and in the case of the Common Council out of the general rate.

(4) A certificate by the City Chamberlain that any expenses have been incurred under this Act by the Common Council shall be conclusive evidence that those expenses have been so incurred, and if any question arises whether any such expenses are or are not expenses relating to the provision, equipment and maintenance of buildings, or have or have not been reasonably incurred, the question shall be determined by the Board of Control, and the determination of the Board shall be final and conclusive.

Provisions as to Central Authority.

11.—(1) The Board of Control shall consist of the chairman (who shall be a paid commissioner) and not more than four other commissioners, all of whom shall be paid commissioners.

Reorganisation of Board of Control.

(2) The members of the Board of Control shall be styled "senior commissioners."

(3) Of the senior commissioners other than the chairman one at least shall be a legal commissioner, two shall be medical commissioners, and one at least shall be a woman.

(4) The senior commissioners shall be appointed by His Majesty on the recommendation, as respects the legal commissioners, of the Lord Chancellor and, as respects the other commissioners, of the Minister of Health, and shall hold office during His Majesty's pleasure.

(5) No person shall be appointed a legal senior commissioner unless either—

(i) he is a practising barrister or solicitor of at least five years' standing; or

(ii) he is a commissioner, other than a senior commissioner, and was, at the date when he was appointed such a commissioner, a practising barrister or solicitor of at least five years' standing;

and no person shall be appointed a medical senior commissioner unless he is a registered medical practitioner of at least five years' standing.

(6) The commissioners other than the chairman who are at the commencement of this Act members of the Board of Control shall as from that date cease to be members thereof:

Provided that—

(i) nothing in this section shall affect the tenure of office, salaries, rights (other than the right to be members of the Board), privileges or titles of the commissioners so ceasing to be members of the Board;

(ii) such of the said commissioners as are paid commissioners shall be eligible to be re-appointed to the Board, and if any such commissioner is so re-appointed, he shall hold office on the same tenure as that on which he held office before the commencement of this Act.

(7) After the commencement of this Act—

(i) no further unpaid commissioners shall be appointed;

(ii) the paid commissioners, other than senior commissioners, shall be appointed, subject to the approval of the Minister, by the Board of Control and there shall be included among them women as well as men and any commissioners so appointed shall be officers of the Board.

(8) The number of senior commissioners and commissioners other than senior commissioners, and their salaries and the salary of the chairman, shall be such as the Minister of Health with the consent of the Treasury may fix.

(9) The following provisions shall have effect in any case where a person in the service of a local authority in respect of whom contributions have been paid under the Asylums Officers' Superannuation Act, 1909, is appointed to be a commissioner:

9 Edw 7. c. 48.

(*a*) The Superannuation Acts, 1834 to 1919, shall apply to the said person subject to the following modifications—

(i) if he has served in an established capacity in the permanent civil service of the State for less than ten years but the respective periods during which he has so served and during which contributions have been paid in respect of him under the Asylums Officers' Superannuation Act, 1909, amount in the aggregate to ten years or upwards, there may be granted to him under and subject to the provisions of the Superannuation Acts, 1834 to 1919, an annual superannuation allowance equal to one-eightieth of the annual salary and emoluments of his office for every completed year during which he has served as aforesaid; and

(ii) for the purpose of determining whether an additional allowance under subsection (2) of section one of the Superannuation Act, 1909, may be granted to him or whether a gratuity may be granted to his legal personal representatives under section two of that Act, any period during which contributions were paid in respect of him under the Asylums Officers' Superannuation Act, 1909, shall be taken into account as if it were a period during which he had served as aforesaid; and

(*b*) on his retirement from the permanent civil service of the State in such circumstances that an annual superannuation or compensation allowance might be granted to him under the Superannuation Acts, 1834 to 1919, as modified by this subsection, he shall be entitled to receive during life a superannuation allowance under and subject to the provisions of the Asylums Officers' Superannuation Act, 1909, as if on being appointed a commissioner he had retired from the service of the local authority in circumstances entitling him to a superannuation allowance under that Act.

(10) The provisions of this section shall have effect notwithstanding anything in the Mental Deficiency Act, 1913.

Administrative provisions.

12. Subject to the directions of the Minister of Health, the chairman of the Board of Control, in consultation with the members of the Board, shall be responsible for making arrangements as to the administrative business of the Board, the regulation of the procedure of the Board, and the allocation of duties amongst the staff.

Provision as to the exercise of powers of visitation and inspection.

13. Any visitation, inspection or act required or authorised by the Lunacy Acts, 1890 to 1922, or by the Mental Deficiency Acts, 1913 to 1927, or by this Act, to be carried out by the Board of Control or by a commissioner or any number of commissioners, may, at the discretion of the Board of Control, be carried out either by one or more commissioners or by one or more of the inspectors of the Board, and for the purposes of or in connection with any such visitation or inspection an inspector of the Board shall have the like duties, and, subject to any limitation or restriction imposed by the Board, the like powers, as are for those purposes and in that connection imposed or conferred on commissioners by the said Acts.

Transfer of certain powers from Minister of Health to Board of Control.

54 & 55 Vict. c. 65.

14.—(1) The powers and duties specified in the Second Schedule to this Act conferred or imposed by the principal Act and by the Lunacy Act, 1891, on a Secretary of State (which powers and duties are now by virtue of the Ministry of Health (Lunacy and Mental Deficiency, Transfer of Powers) Order, 1920, vested in the Minister of Health) shall be transferred to the Board of Control, and accordingly in the several enactments specified in the first column of the said Second Schedule, and also in subsection (2) of section two hundred and forty-eight and in subsection (7) of section two hundred and sixty-nine and in section two hundred and seventy-two of the principal Act, the words "the Board of Control" shall be substituted for the words "a Secretary of State" or "the Secretary of State" wherever they occur.

(2) The words "with the sanction of a Secretary of State" in section two hundred and twenty-six of the principal Act shall be repealed.

Power to make rules.

15.—(1) The power of the Board of Control to make rules under subsection (1) of section three hundred and thirty-eight of the principal Act shall include power to make rules for any of the purposes specified in the Third Schedule to this Act.

(2) The following shall be substituted for subsection (6) of the said section three hundred and thirty-eight:

> "(6) Rules made under this section shall be laid before both Houses of Parliament forthwith, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such rules have been laid before it, praying that a rule may be annulled, it shall thenceforth be void, but without prejudice to the

validity of anything previously done thereunder or to the making of a new rule:

Provided that the foregoing provision, so far as it relates to the presentation of an address by either House of Parliament and the consequences thereof, shall not apply to any rules which modify or adapt any enactment, whether in this or any other Act, but such rules shall cease to have effect upon the expiration of a period of three months from the date on which they came into operation unless at some time before the expiration of that period they have been approved by a resolution passed by each House of Parliament.

In reckoning any such period of three months as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days."

(3) Subsection (2) of this section shall come into operation on the passing of this Act.

Miscellaneous and General.

Amendment of s. 330 of principal Act.

16.—(1) The principal Act and section sixty-three of the Mental Deficiency Act, 1913, shall have effect and, subject as provided in this section, be deemed always to have had effect, as if the following section were substituted for section three hundred and thirty of the principal Act:—

"(1) Where a person has presented a petition for a reception order, or signed or carried out, or done any act with a view to signing or carrying out, an order purporting to be a reception order or any report, application, recommendation, or certificate purporting to be a report, application, recommendation, or certificate under this Act, or any Act amending this Act, or has done anything in pursuance of this Act, or any Act amending this Act, he shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground unless he has acted in bad faith or without reasonable care.

(2) No proceedings, civil or criminal, shall be brought against any person in any court in respect of any such matter as is mentioned in the last preceding subsection, without the leave of the High Court, and leave shall not be given unless the court is satisfied that there is substantial ground for the contention that the person, against whom it is sought to bring the proceedings, has acted in bad faith or without reasonable care.

(3) Notice of any application under the last preceding subsection shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

(4) Where on an application under this section leave is given to bring any proceedings, and the proceedings are commenced within four weeks after the date on which leave was so given, the proceedings shall for the purposes of the Public Authorities Protection Act, 1893, be deemed to have been commenced on the date on which notice of the application was given to the person against whom the proceedings are to be brought."

(2) This section shall not affect any civil or criminal proceedings pending at the passing of this Act.

(3) This section shall come into operation on the passing of this Act.

Amendment of s. 11 of principal Act.

17. The provisions of section eleven of the principal Act (which relates to the making of urgency orders) shall apply to all persons who are alleged to be of unsound mind whether they are rate-aided persons or not, and accordingly the words "not a pauper" in subsection (1) of that section are hereby repealed:

Provided that—

(i) an urgency order with respect to a rate-aided person shall be signed by a duly authorised officer of the local authority within whose area that person is; and

(ii) the following provisions of the said section, that is to say, subsection (5) and subsection (6) from the words "or if" to the end of that subsection shall not apply in the case of rate-aided persons.

18.—(1) A person shall not be deemed to be in receipt of poor relief or be deprived of any right or privilege or be subjected to any disability by reason only that he or a member of his family is being maintained under the provisions of the principal Act or of this Act in any place as a rate-aided patient:

Provision as to rate-aided patients.

Provided that nothing in this section shall affect—

(*a*) the provisions of section twelve of the Widows', Orphans', and Old Age Contributory Pensions Act, 1929 (relating to the administration of any pensions to which that Act applies, receivable by rate-aided persons of unsound mind); or the provisions contained in the First Schedule to that Act with respect to rate-aided persons of unsound mind; or

(*b*) any provisions of the Lunacy Acts, 1890 to 1922, or of the Poor Law Act, 1930, relating to the settlement or chargeability of a patient or the liability of a patient, or of the persons liable to maintain him, for the expenses of his maintenance or any power to recover those expenses against the estate of the patient; or

20 & 21 Geo. 5. c. 17.

(*c*) any of the provisions of the Pensions Act, 1839, or any power of His Majesty or of any Government department to provide, or the validity or the construction of any Royal Warrant, Order in Council, or Order, in force at the commencement of this Act, which provides for the repayment from any pension of the expense of the maintenance of rate-aided persons.

(2) This section shall come into operation on the passing of this Act.

19.—(1) In any case in which a person who is or is alleged to be of unsound mind is liable under the principal Act to be removed to or detained in a workhouse, he may under the like conditions and subject to the like procedure be removed to or detained in any such hospital or part of a hospital provided by the council of a county under the Local Government Act, 1888, as amended by the Local Government Act, 1929, or by the council of a county borough under the Public Health Act, 1875, as the council may approve for the purposes of this section, and the provisions of the Lunacy Acts, 1890 to 1922,

Amendment as to persons of unsound mind liable to be removed to workhouses.

51 & 52 Viet. c. 41.

19 Geo. 5. c. 17.

38 & 39 Viet. c. 55.

relating to the visitation of workhouses and to the powers and duties of guardians and their officers in respect of persons so removed or detained shall apply to such hospital with the substitution of the medical officer in charge of the hospital for the master and the medical officer of the workhouse.

(2) This section shall come into operation on the passing of this Act.

Discontinuance of terms "asylum" "pauper" and "lunatic."

20.—(1) Asylums provided or to be provided under the Lunacy Acts, 1890 to 1922, by any local authority shall hereafter be called, and are in this Act referred to as, mental hospitals, and accordingly for references in any public or local Act or in any order, regulation or other document issued under any such Act to any such asylum there shall be substituted references to a mental hospital.

(2) The Lancashire Asylums Board and the West Riding of Yorkshire Asylums Board shall respectively hereafter be known as, and are in this Act referred to as, the Lancashire Mental Hospitals Board and the West Riding of Yorkshire Mental Hospitals Board, and for references in any document to either of the said Asylums Boards there shall be substituted references to the Boards as re-named by this subsection.

(3) Any provision in any local Act for the reception of voluntary boarders into any institution shall have effect as if for references therein to "voluntary boarders," there were substituted references to "voluntary patients," and any reference in this Act to persons received as voluntary patients, or as patients, under any local Act shall be construed as including a reference to persons received before the commencement of this Act as voluntary boarders under any such Act.

(4) The word "pauper" shall cease to be used in relation to any person of or alleged to be of unsound mind and accordingly for references in any enactment or in any order regulation or other document issued under any enactment relating to persons of unsound mind there shall be substituted for the word "pauper" the expression "rate-aided person" "rate-aided patient" or "rate-aided" as the context may require.

(5) The word "lunatic" (except in the following contexts, that is to say, in the phrase "criminal lunatic,"

and in relation to persons detained as lunatics outside England) shall cease to be used in relation to any person of or alleged to be of unsound mind and there shall be substituted for that word wherever it occurs (except in the above-mentioned contexts) in any enactment or in any order, regulation or other document issued under any enactment the expression "person of unsound mind" "person" "patient" "patient of unsound mind" or "of unsound mind" or such other expression as the context may require.

(6) The Minister of Health may by order modify the wording of any enactment so far as is necessary to bring it into conformity with the provisions of this section.

21.—(1) In this Act unless the context otherwise requires:— **Interpretation and adaptation.**

The expression "institution" means a mental hospital and other premises maintained by a local authority for the purposes of this Act, a registered hospital or licensed house:

The expression "person in charge" in relation to a person received or about to be received under this or any local Act as a voluntary or temporary patient (not being a person received, or about to be received, as a single patient) means the medical superintendent or other person in charge of the institution, hospital, home, or place into which he is, or is about to be, so received, and in relation to a person so received, or about to be so received, as a single patient, means the person into whose charge he is, or is about to be, so received.

The expression "the principal Act" means the Lunacy Act, 1890, and any reference to the Lunacy Acts, 1890 to 1922, or to the Mental Deficiency Acts, 1913 to 1927, or any of them, shall be construed as a reference to those Acts as amended by any subsequent enactment, including this Act. 53 & 54 Vict. c. 5.

(2) For the purpose of enabling this Act to be carried into effect in the several areas for which the Lancashire Mental Hospitals Board, the West Riding of Yorkshire Mental Hospitals Board, and the Staffordshire Mental Hospitals Board, act, the Board of Control may

by rules made under subsection (1) of section three hundred and thirty-eight of the principal Act make such adaptation and modifications of the provisions of this Act as they may consider necessary.

Short title, construction, repeal, extent and commencement.

22.—(1) This Act may be cited as the Mental Treatment Act, 1930, and shall be construed as one with the principal Act; and the Lunacy Acts, 1890 to 1922, and this Act, may be cited together as the Lunacy and Mental Treatment Acts, 1890 to 1930.

(2) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) This Act shall not apply to Scotland or Northern Ireland.

(4) This Act, except as otherwise expressly provided, shall come into operation on the first day of January, nineteen hundred and thirty-one.

SCHEDULES.

Section 5.

FIRST SCHEDULE.

Part I.

Form of Application for Reception of a Temporary Patient.

Mental Treatment Act, 1930.

1. I, hereby request you to receive as a temporary patient into

2. I am related to the said in the following manner :—

or,

I am the duly authorised officer of . The said is now within the area of that authority and I make this application at the request of , who is related to the said in the following manner :—

1st Sch. —*cont.*

or,

I am not related to the said . The reasons why this application is not made by a relative of the said , and my connection with him, and the circumstances under which I make this application, are as follows :—

3. Annexed hereto is a recommendation for the temporary treatment of the said , signed by .

Signed...

Dated ....

To

Part II.

Form of Recommendation for Temporary Treatment.

Mental Treatment Act, 1930.

Recommendation for the temporary treatment of
of .

I, of hereby declare that :—

1. I am a registered medical practitioner and have been approved for the purpose of making recommendations under section five of the above-mentioned Act by [the Board of Control] and I am not the usual medical attendant of the above-named.

2. I examined the said on the day of 19 .

*3. I have formed the conclusions stated below on the following grounds, viz. :—

I, of hereby declare that :—

1. I am a registered medical practitioner and am [am not] the usual medical attendant of the above-named.

2. I examined the above-mentioned on the day of 19 .

1st Sch. —*cont.*

*3. I have formed the conclusions stated below on the following grounds, viz. :—

And we, the said and further declare that :—

1. The said
   (i) is suffering from mental illness;
   (ii) is likely to benefit by temporary treatment;
   (iii) is for the time being incapable of expressing himself as willing or unwilling to receive such treatment.

2. It is expedient with a view to the said 's recovery that he should be received into for a period not exceeding six months.

Signed...........................
Medical Qualifications......................
Date ....

Signed...........................
Medical Qualifications......................
Date ....

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* A person in specifying the grounds on which his conclusions are based, must carefully distinguish between statements of fact which are based upon his own observations and statements of fact which are based upon communications made to him by others.

Section 14.

SECOND SCHEDULE.

Powers and Duties transferred to the Board of Control.

Enactment conferring or imposing power or duty.	Description of power or duty.
Lunacy Act 1890 :	
Subsections (2) (5) and (6) of section two hundred and thirty-one.	To determine whether hospital desiring registration should be registered and to approve regulations of committee of that hospital.
Subsection (3) of section two hundred and forty-two.	To approve agreement by local authorities to unite for purpose of providing mental hospital accommodation.

2nd Sch. —*cont.*

Enactment conferring or imposing power or duty.	Description of power or duty.
Subsection (4) of section two hundred and forty-three.	To approve contracts for the reception of rate-aided persons of unsound mind with Councils of County Boroughs.
Section two hundred and fifty.	To sanction variation of agreement by local authorities to unite.
Subsections (2) and (4) of section two hundred and fifty-four.	To approve plans and contracts of visiting committee and to determine differences between local authorities with reference to any plan, estimate or contract.
Subsections (1) and (4) of section two hundred and sixty-seven.	To consent to dissolution of agreement to unite, and to division of property held for purposes of the agreement among the several local authorities, and to the making of the payments mentioned in the said subsection (4).
Subsection (1) of section two hundred and sixty-eight.	To consent to cancellation of contract for purchase or exchange of lands by visiting committee and to approve payment to procure a release from the contract.
Subsections (4) and (5) of section two hundred and sixty-nine.	To approve contract or determination of contract by visiting committee for reception of persons of unsound mind in licensed house or mental hospital of another committee and to determine such contracts.
Subsections (1) and (2) of section two hundred and seventy-five.	To approve general rules made by visiting committee for government of mental hospital and any alteration or variation thereof.
Lunacy Act 1891, Section 12 -	To approve alteration of regulations of managing committee of hospital.

Section 15.

THIRD SCHEDULE.

MATTERS WITH RESPECT TO WHICH RULES MAY BE MADE BY THE BOARD OF CONTROL.

1. Prescribing the books and records to be kept in any institution, hospital, nursing-home, house or place where any voluntary or temporary patient is received under this or any local Act and prescribing in relation to such institutions, hospitals, homes, houses or places any of the other matters with respect to which rules may be made under subsection (1) of section three hundred and thirty-eight of the principal Act.

2. Applying to such patients, subject to such modifications and adaptations, if any, as appear to the Board to be necessary or convenient, the provisions of subsection (3) of section twenty-seven of the principal Act (which prescribes the mental hospitals into which rate-aided patients may be received) sections fifty-five and fifty-six (which relate respectively to absence on trial or for health and to the change of residence of single patients) sections fifty-eight, fifty-nine, sixty-one, sixty-four to sixty-seven, sixty-nine and seventy of that Act (which relate to the removal of patients), Part X of that Act (which relates to liability for expenses of maintenance), and sections three hundred and nineteen, three hundred and twenty-two and three hundred and twenty-four of that Act (which relate respectively to the giving of notice of deaths to the coroner, the ill-treatment of patients and the abuse of female patients), or for otherwise regulating in relation to such patients any matters for which provision is made by any of the enactments aforesaid.

3. Applying to any such hospital, home, house or place (not being a hospital, home, house or place for the visitation and inspection of which provision is made by the principal Act) any of the provisions of that Act relating to the visitation and inspection of institutions for persons of unsound mind or of houses where persons of unsound mind are detained as single patients, including provisions as to powers of entry and penalties.

4. Applying to temporary patients received under section five of this Act, subject to such modifications and adaptations, if any, as appear to the Board to be necessary or convenient, the following provisions of the principal Act, that is to say, section forty (which regulates the use of mechanical means of restraint), section forty-one (which relates to the letters of patients), section forty-two (which relates to the posting of notices), section forty-seven (which relates to the visits of friends), section forty-nine (which empowers the Board of Control

to order the examination of a patient by two medical practitioners), section fifty (which relates to inquiries as to property), section fifty-one (which relates to searches in the records of the Board of Control), and section eighty-five (which provides for the retaking of patients who have escaped).

5. Modifying and adapting, in relation to institutions maintained by local authorities not being mental hospitals, the provisions of sections two hundred and seventy-five to two hundred and seventy-eight of the principal Act (which relate to the making of general rules and regulations and the appointment and duties of certain officers).

6. Modifying and adapting in relation to persons received as temporary patients under this Act, the provisions of sections seventy-two to seventy-four, seventy-six to eighty and eighty-two and eighty-three of the principal Act (which relate to the discharge of persons detained under that Act) so far as may, in the opinion of the Board of Control, be necessary for the purpose of their application to persons so received as temporary patients.

7. Prescribing the evidence required on application for extension of temporary treatment.

FOURTH SCHEDULE.

Section 22.

Repeals.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890.	In section eleven, the words "not "a pauper." Sections one hundred and sixty-nine, except subsections (2) (4) and (5) thereof, and one hundred and seventy. In section two hundred and twenty-six the words "with "the sanction of a Secretary of "State." Section two hundred and twenty-nine (except in relation to persons who are at the commencement of this Act being lodged thereunder).

4th Sch. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890.	In section two hundred and thirty-one, subsection (2) down to the words "opinion, and" and in subsection (3) the words "or a "Secretary of State deter-"mines." Section two hundred and thirty-nine. In section two hundred and seventy-two, the words "to "the Secretary of State and" the words "shall report there-"on to the Secretary of State "who" and the word "his." In the definition of "visiting "committee" in section three hundred and forty-one, the words "of an asylum."
54 & 55 Vict. c. 65.	The Lunacy Act, 1891.	Section twenty.
3 & 4 Geo. 5. c. 28.	Mental Deficiency Act, 1913.	In subsection (1) of section twenty-two, the words "not more than "fifteen commissioners of whom "not more than twelve shall be "paid," and the words from "and of," to the end of the subsection, subsections (2), (5), and (6) of the said section and, except in relation to persons who are at the commencement of this Act commissioners, subsections (7) and (8) of the said section. In the proviso to subsection (1) of section twenty-eight the words "with the addition of at "least two women." The Schedule.

CHAPTER 24.

An Act to amend the law relating to the valuation for rating purposes of hereditaments occupied by railway companies and for purposes connected therewith. [10th July 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Procedure for valuing railway hereditaments in England.

1.—(1) As from the appointed day the provisions of the Rating and Valuation Acts relating to the ascertainment of the values of hereditaments shall, save as expressly provided by this Act, cease to apply in the case of railway hereditaments in England occupied by a railway company to which this Act applies, and the values for rating purposes of all such hereditaments shall be the values thereof as ascertained in accordance with the provisions of this Act.

(2) The railway companies to which this Act applies are the several amalgamated companies constituted under the Railways Act, 1921, and the Metropolitan Railway Company, and any other railway company to which it is applied by a scheme submitted and approved in accordance with the provisions contained in the First Schedule to this Act.

11 & 12 Geo. 5. c. 55.

(3) For the purposes of this Act—

"Railway company" means (except in the First Schedule to this Act) a railway company to which this Act for the time being applies;

"Undertaking" in relation to a railway company includes, in addition to the principal undertaking of the company—

(*a*) any canal, dock or harbour undertaking carried on by the company;

(*b*) any subsidiary or ancillary undertaking carried on by the company, not being a road-transport, sea-transport or air-transport undertaking; and

(*c*) the share of the company in any joint undertaking carried on by, or on behalf of, two or more railway companies not being a road transport, sea transport or air transport undertaking;

but, save as aforesaid, does not include the share of the company in any joint undertaking;

"Railway hereditament" means, subject as hereinafter provided, any hereditament occupied for the purposes of the undertaking of a railway company:

Provided that no premises occupied as a dwelling-house, hotel or place of public refreshment, or so let out as to be capable of separate assessment, shall be deemed to be, or to form part of, a railway hereditament.

Constitution of Railway Assessment Authority and Anglo-Scottish Railways Assessment Authority.

2.—(1) For the purposes of the valuation of railway hereditaments under this Act there shall be constituted—

(*a*) a Railway Assessment Authority consisting of a chairman and nine other members; and

(*b*) an Anglo-Scottish Railways Assessment Authority (in this Act referred to as "The Joint Authority") consisting of a chairman and two other members.

(2) The chairman of the Railway Assessment Authority shall be an experienced lawyer to be appointed by the Lord Chancellor, and of the other members of the Authority three shall be appointed by the Minister at his discretion and one shall be appointed by him on the recommendation of each of the following bodies, that is to say, the London County Council, the County Councils Association, the Association of Municipal Corporations, the Metropolitan Boroughs Standing Joint Committee, the Urban District Councils Association and the Rural District Councils Association.

(3) The chairman of the Railway Assessment Authority shall be the chairman of the Joint Authority,

and of the other members of the Joint Authority one shall be appointed by the Railway Assessment Authority and the other shall be the Assessor of Railways and Canals for Scotland.

(4) The first members of the Railway Assessment Authority and the first representative of that Authority upon the Joint Authority shall be appointed as soon as may be after the passing of this Act and vacancies occurring thereafter shall be filled from time to time by the making of fresh appointments.

(5) If the chairman or any other member of the Railway Assessment Authority, or of the Joint Authority, is incapacitated by prolonged illness or other unavoidable cause from attending meetings of the Authority, a substitute may be appointed to act in his place whilst the incapacity continues—

(*a*) if the member incapacitated is the Assessor of Railways and Canals, by the Secretary of State; and

(*b*) in any other case, by the person or authority by whom the incapacitated member was appointed.

(6) The Railway Assessment Authority shall pay to the chairman of the Authority and to any substitute appointed to act in his place such remuneration as the Minister may direct.

(7) The Railway Assessment Authority and the Joint Authority respectively may repay to any member of the Authority and to any substitute appointed as aforesaid the amount of any travelling expenses necessarily incurred by him in the discharge of his duties under this Act and may pay to him reasonable allowances in respect of any personal expenses so incurred by him.

(8) The provisions contained in the Second Schedule to this Act shall have effect with respect to the constitution and procedure of the Railway Assessment Authority and the Joint Authority and with respect to the manner in which any expenses incurred by them under this Act are to be defrayed and the manner in which their accounts are to be made up and audited.

(9) The Railway Assessment Authority shall make to the Minister, and the Joint Authority shall make to the Minister and to the Secretary of State, an annual report of their proceedings. Each such report shall include a summary of the accounts of the Authority and shall be laid before each House of Parliament as soon as may be after it is received by the Minister.

Preparation of railway valuation roll.

3.—(1) As soon as may be after the constitution of the Railway Assessment Authority, and thereafter at intervals of five years, that Authority shall prepare a railway valuation roll showing the net annual and rateable values of every railway hereditament in England.

A roll shall be divided into parts and the particulars relating to each railway company shall be entered in a separate part.

(2) The first railway valuation roll shall come into force on the appointed day, and every subsequent railway valuation roll shall come into force at the expiration of five years from the day appointed by this subsection for the preceding roll to come into force, and the period during which any roll is in force is in this Act referred to as a " quinquennial period."

(3) The Railway Assessment Authority in preparing a railway valuation roll shall in accordance with the provisions hereafter in this Act contained—

(i) determine, in the case of a railway company's undertaking which is carried on in England, but not in Scotland, the net annual value of the undertaking as a whole, and in the case of a railway company's undertaking which is carried on in England and in Scotland, the net annual value of the undertaking as a whole, in so far as it is carried on in England; and

(ii) apportion the net annual value so determined among all the railway hereditaments in England occupied by that railway company; and

(iii) calculate the rateable value of every such hereditament by reference to the net annual value so apportioned to it.

Determination of net annual value of railway undertaking carried on in England but not in Scotland.

4.—(1) Where a railway company's undertaking is carried on in England but not in Scotland, the net annual value of the undertaking as a whole shall for the purposes of the preparation of a railway valuation roll be determined in accordance with the following provisions, that is to say—

The Railway Assessment Authority shall—

(*a*) ascertain, in the case of the first railway valuation roll, the average net receipts of the company for the accounting years nineteen hundred and twenty-eight and nineteen hundred and twenty-nine, and, in the case of each subsequent roll, the average net receipts of the company for the first five of the six accounting years next preceding the year in which the roll is to come into force; and

(*b*) estimate by reference to the average net receipts ascertained as aforesaid the rent at which the railway hereditaments occupied by the company might reasonably be expected to let as a whole from year to year, if the tenant undertook to pay all usual tenant's rates and taxes and tithe rentcharge (if any) and to bear the cost of the repairs and insurance and other expenses (if any) necessary to maintain the hereditaments in a state to command that rent;

and the annual rent so estimated shall, for the purposes of this Act, be deemed to be the net annual value of the company's undertaking as a whole.

(2) In estimating for the purposes of this section the rent at which the railway hereditaments occupied by a company might reasonably be expected to let as a whole, the Railway Assessment Authority and any court before which any determination of the Authority is under appeal shall not be bound to give effect to any custom or practice affecting the valuation of railway hereditaments which obtained prior to the passing of this Act in regard to the deduction or allowance to be made in respect of the capital of a tenant, but shall have regard to all relevant circumstances and all material considerations with a view to securing that such estimated rent

shall represent a fair and just division of the net receipts as between landlord and tenant.

(3) For the purposes of this section, the net receipts of a railway company in any year shall be taken to be the amount produced by deducting from the total revenue receipts of the company in that year from its undertaking—

(i) any receipts included in that total which—

(*a*) arise from any interest of the company in any other company or other undertaking (not being a share in a joint undertaking which, for the purposes of this Act, forms part of the company's undertaking); or

(*b*) arise from any hereditament which is not a railway hereditament occupied by the company; or

(*c*) consist of royalties or wayleaves, not being royalties or wayleaves payable to the company in respect of the user of a hereditament which is a railway hereditament occupied by the company; or

(*d*) consist of tolls or dues of such a nature that they could not, under the law in force immediately before the commencement of this Act, have been taken into account in determining the rateable value of any hereditament occupied by the company; or

(*e*) represent general interest or accretion of capital; or

(*f*) arise from any hereditament outside Great Britain or from the working of the undertaking of the company outside Great Britain; and

(ii) the amount properly charged in that year as revenue expenditure in respect of management, working, maintenance and renewals (including maintenance and renewal of plant and rolling stock) and in respect of rates and tithe rentcharge (if any), subject, however, to the adjustments hereinafter mentioned, that is to say:—

(*a*) the amount to be charged shall include any amount charged against the revenue of the year as a transfer in reduction of any sum previously carried to a suspense account in respect of past expenditure of the like kind properly chargeable to revenue, and also any amount properly set aside out of revenue for the purpose of meeting any future expenditure of the like kind properly chargeable to revenue:

(*b*) from the amount to be charged there shall be excluded such part, if any, of the expenditure of the year as is defrayed out of amounts previously set aside for the purposes aforesaid, or is carried to a suspense account for the purpose of deferring to succeeding years the charging thereof against revenue:

(*c*) the amount to be charged shall be increased by an amount representing interest for one year, calculated at such rate per centum per annum as the Railway Assessment Authority may determine, upon so much of the balance brought forward at the commencement of that year in any suspense account as represents any such past expenditure as aforesaid:

(*d*) the amount to be charged shall be reduced by an amount representing interest for one year, calculated at the same rate, upon the balance remaining unexpended at the commencement of the year of any amounts previously set aside out of revenue for the purposes aforesaid and, in determining the balance unexpended of any such amounts, no expenditure in respect of additions or improvements of a capital nature which was charged in the company's accounts for the year ending the thirty-first day of December, nineteen hundred and twenty-three, or any later year, shall be debited against those amounts:

(*e*) in ascertaining the amount to be charged as aforesaid and in making any such adjustment as is mentioned in the preceding sub-paragraphs, any expenditure properly attributable to the earning of any such receipts as are specified in paragraph (i) of this subsection and any provision made in respect of any such expenditure by means of a suspense account or of a renewals fund or otherwise shall be disregarded.

(4) For the purposes of this section—

(i) receipts and expenditure attributable to a joint undertaking carried on by, or on behalf of, two or more railway companies, shall be apportioned among those companies in such proportions as may be agreed between them or, in default of agreement, as may be determined by the Railway Assessment Authority; and

(ii) where any hereditament is occupied by a railway company partly for the purposes of its undertaking and partly for other purposes, the total revenue receipts of the company shall be increased by such sum as the Authority may determine to represent a fair annual rent for the occupation of that hereditament for those other purposes.

Determination of net annual value of English portion of railway undertaking carried on in England and in Scotland.

5.—(1) Where a railway company's undertaking is carried on in England and in Scotland, all the provisions of the last preceding section shall apply subject only to the following modifications, that is to say—

(i) the Joint Authority, instead of the Railway Assessment Authority, shall, in accordance with the principles laid down in paragraph (*a*) of subsection (1) and in subsections (3) and (4) of that section, and as if any reference in that paragraph or those subsections to the Railway Assessment Authority were a reference to the Joint Authority, ascertain the average net receipts of the company in so far as the total revenue receipts and expenditure by reference to which average net receipts are required to be ascertained represent—

(*a*) receipts and expenditure in respect of railway working as hereinafter defined; or

(*b*) other receipts and expenditure not attributable solely to hereditaments in England or solely to hereditaments in Scotland,

and shall apportion the total amount of the average net receipts so ascertained by them between England and Scotland upon the basis of a fair and just estimate of the proportions thereof accruing in England and Scotland respectively, and shall certify to the Railway Assessment Authority and to the Assessor of Railways and Canals for Scotland the total amount so ascertained by them and the amounts so apportioned by them to England and Scotland respectively;

(ii) the Railway Assessment Authority shall, in accordance with the principles aforesaid, ascertain the average net receipts of the company in so far as the total revenue receipts and expenditure by reference to which average net receipts are required to be ascertained represent receipts and expenditure attributable solely to hereditaments in England, not being receipts and expenditure in respect of railway working, and the amount so ascertained by them together with the amount certified to them as aforesaid as apportioned to England shall be taken to be the average net receipts of the company so far as they are attributable to the carrying on of the undertaking in England:

Provided that, if in the case of any company the total revenue receipts and expenditure attributable solely to hereditaments in England disclose on the average a deficiency, the amount so certified to the authority as aforesaid reduced by the amount of that deficiency shall be taken to be the average net receipts of the company so far as they are attributable to the carrying on of the undertaking in England;

(iii) the Railway Assessment Authority shall, in accordance with the principles laid down in paragraph (*b*) of subsection (1) and in subsection (2) of the last preceding section, estimate by reference to the average net receipts of the company, so far as they are attributable to the carrying on of the undertaking in England, the rent at which the railway hereditaments in England occupied by the company might reasonably be expected to let as a whole from year to year upon the terms specified in the said paragraph (*b*), and the annual rent so estimated shall for the purposes of this Act be deemed to be the net annual value of the company's undertaking as a whole, in so far as it is carried on in England.

(2) For the purposes of this section, the expression "receipts and expenditure in respect of railway working" means such receipts and expenditure of a railway company as are required by or under any statute to be shown under that heading in the accounts of the company.

Apportionment of net annual value and calculation of rateable value of hereditaments.

6.—(1) The Railway Assessment Authority, having determined in accordance with the foregoing provisions of this Act the net annual value of a railway company's undertaking as a whole, or the net annual value of that undertaking as a whole in so far as it is carried on in England, as the case may be, shall apportion that value among all the railway hereditaments in England occupied by that company, in accordance with an apportionment scheme made by the Authority and confirmed under the provisions hereafter in this Act contained, and the amount so apportioned to any hereditament shall for rating purposes be deemed to be the net annual value of that hereditament.

(2) The Railway Assessment Authority, having determined in accordance with the preceding subsection the net annual value of a railway hereditament, shall calculate therefrom the rateable value of that hereditament in accordance with the provisions of the Rating and Valuation Acts relating to the ascertainment of rateable value by reference to net annual value (including the provisions relating to the adjustment of any value which includes a fraction of a pound), and for the purposes of such calculation any question arising

under the Rating and Valuation (Apportionment) Act, 1928, or section sixty-eight of the Local Government Act, 1929, as to the classification of any hereditament, or as to the purposes for which it is occupied and used, either wholly or in part, or as to the apportionment of the net annual value of the hereditament between occupation and user for one purpose and occupation and user for any other purpose, shall be determined by the Authority.

18 & 19 Geo. 5. c. 44. 19 Geo. 5. c. 17.

(3) A railway hereditament occupied by two or more railway companies shall, for the purposes of this Act, be deemed to be occupied by each of them severally in the proportions in which under any agreement between them the rates payable in respect of the hereditament are to be borne by them, or, in the absence of any such agreement, in such proportions as the Railway Assessment Authority may determine.

Application of Third Schedule.

7. The provisions contained in the Third Schedule to this Act shall apply with respect to the procedure to be followed by the Joint Authority and the Railway Assessment Authority in ascertaining and apportioning the net receipts of a railway company, in determining and apportioning the value of a railway company's undertaking as a whole and in determining the values of railway hereditaments.

Completion of railway valuation roll.

8.—(1) So soon as the Railway Assessment Authority have determined in accordance with the foregoing provisions of this Act the rateable values of the several railway hereditaments in England occupied by any railway company, they shall complete the part of the railway valuation roll which relates to the undertaking of that company.

(2) Every railway valuation roll shall show in the prescribed manner with respect to any company—

(i) in the case of an undertaking which is carried on in England but not in Scotland, the average net receipts of that undertaking;

(ii) in the case of an undertaking which is carried on in England and in Scotland, the average net receipts of the undertaking entered in such manner as to distinguish receipts ascertained by the Joint Authority and apportioned between England and Scotland, and receipts ascertained by the Railway Assessment Authority;

(iii) the net annual value of the company's undertaking as a whole, or, as the case may be, the net annual value of the undertaking as a whole in so far as it is carried on in England;

(iv) the net annual value and the rateable value of every railway hereditament occupied by the company;

(v) such other matters as may be prescribed.

(3) The Railway Assessment Authority shall, on being required by any railway company, county valuation committee or rating authority so to do, state in writing whether any particular premises have, or have not, been treated by them for the purposes of this Act as forming part of a railway hereditament, and any such statement shall be deemed to form part of the particulars contained in the roll with respect to that hereditament, and, subject to the provisions of this Act relating to appeals against the roll, shall be binding upon all persons concerned.

(4) So soon as the Railway Assessment Authority have completed any part of the railway valuation roll, they shall send to the railway company to which that part relates, and to the county valuation committee of every county, the assessment committee of every assessment area, and the rating authority of every rating area in England, being a county, assessment area or rating area within which the undertaking of that company is carried on—

(*a*) a notice stating that that part of the roll was completed on a specified date and is open to inspection; and

(*b*) such information as to the contents of that part of the roll as may be prescribed to be sent to railway companies, county valuation committees, assessment committees and rating authorities respectively;

and every rating authority shall forthwith give such notice as to the receipt of, and afford such facilities for the inspection of, that information as may be prescribed.

Appeals.

9.—(1) At any time within two months after the Joint Authority have, in accordance with the provisions contained in the Third Schedule to this Act, certified to the Railway Assessment Authority and the Assessor of Railways and Canals for Scotland the amount determined by them to be the average net receipts of a railway company's undertaking carried on in England and in Scotland, so far as those receipts are to be ascertained by the Joint Authority, and their apportionment of that amount between England and Scotland, appeals against that certificate on the ground that the Joint Authority have determined incorrectly the amount of those receipts or have apportioned the amount thereof unfairly, may be brought to the Railway and Canal Commissioners by the railway company concerned, by the county valuation committee of any county and the council of any county borough, being a county or county borough in England within which the undertaking of the company is carried on, by any Scottish public authority and by the rating authority of any area in Scotland within which the undertaking is carried on.

(2) At any time within two months after the Railway Assessment Authority have completed any part of a railway valuation roll, appeals may be brought to the Railway and Canal Commissioners against that part of the roll by the persons and on the grounds hereinafter mentioned, that is to say:—

(*a*) on the ground that the Railway Assessment Authority have determined incorrectly the average net receipts of a railway company so far as those receipts fall to be determined by that Authority, or the net annual value of the company's undertaking as a whole, or of the undertaking as a whole in so far as it is carried on in England, by the railway company concerned and by the county valuation committee of any county and the council of any county borough, being a county or county borough within which the undertaking of the company is carried on:

(*b*) on the ground that the Railway Assessment Authority have incorrectly treated any premises as being, or as not being, a railway hereditament, or a part of a railway hereditament, or have determined incorrectly the net annual or rateable value of any railway hereditament, by the railway company concerned and by the county valuation committee of the county and the rating authority of the rating area within which the hereditament is situate and by any person aggrieved:

Upon an appeal under paragraph (*b*) of this subsection, the Commissioners shall not enter upon any inquiry as to the correctness of the amount determined to be the net annual value of the undertaking as a whole, or of the undertaking as a whole in so far as it is carried on in England, and they shall not upon any appeal under this subsection enter upon any enquiry as to the correctness of any amount, or the fairness of any apportionment, certified by the Joint Authority.

(3) The Railway Assessment Authority and the Joint Authority may, if they think fit, appear as respondents to any appeal under this section, and such other persons may appear as respondents to the appeal as may be specified by rules made under section twenty of the Railway and Canal Traffic Act, 1888, as amended and applied by this section. 51 & 52 Vict. c. 25.

(4) The provisions of the Railway and Canal Traffic Act, 1888, as amended by any subsequent enactment, relating to the procedure for the determination of questions under that Act (including the provisions relating to appeals) shall apply to the determination by the Commissioners of appeals under this section subject to the following modifications—

(*a*) the ex-officio Commissioners for England and Scotland and one only of the appointed Commissioners shall attend at the hearing of an appeal under subsection (1) of this section and, in relation to any such appeal, subsection (3) of section five of the Act, and in subsection (1) of section four of the Act the words from "and an" to the end of the subsection, shall not apply;

(*b*) the superior court of appeal to which appeals from the Commissioners are to lie shall be the House of Lords, and the Appellate Jurisdiction Act, 1876, shall apply as if the Commissioners when sitting to hear an appeal under this section were included amongst the courts mentioned in section three of that Act; 39 & 40 Vict. c. 59.

(*c*) special rules may be made under section twenty of the Act with respect to the procedure and practice under this section, and those rules shall require the approval of the Lord President of the Court of Session as well as of the Lord Chancellor and the Secretary of State; and

(*d*) the discretion of the Commissioners with regard to costs shall not be limited in the manner provided by section two of the Railway and Canal Traffic Act, 1894. 57 & 58 Vict. c. 54.

(5) If on the hearing of any appeal under this section the Commissioners are of opinion that any contention of the appellant is well founded, they shall give effect to their opinion in the following manner—

(i) in the case of an appeal under subsection (1) they shall amend the certificate given by the Joint Authority in such manner as they think fit, and

(ii) in the case of an appeal under subsection (2)—

(*a*) if, by reason of the relevant part of the railway valuation roll not having been revised in accordance with the next succeeding section, they are unable to specify any value to be entered therein, they shall give to the Railway Assessment Authority such directions to be followed by them in revising that part as will ensure that as so revised it will give effect to the opinion of the Commissioners; and

(*b*) if the relevant part of the railway valuation roll has at the date of their decision been so revised, they shall direct the Railway Assessment Authority to make in that part as so revised such alterations with respect to the hereditament to which the appeal relates as the Commissioners think fit.

Revision of railway valuation roll.

10.—(1) No alteration shall be made in any part of the railway valuation roll until six months have elapsed from the completion of that part, or so long as there is pending any appeal the determination of which may necessitate the alteration of the amount stated in that part as the net annual value of the undertaking of the railway company as a whole, or, as the case may be, of the undertaking as a whole in so far as it is carried on in England; but on the expiration of the said period of six months, or, as the case may be, so soon thereafter as every such appeal as aforesaid has been finally determined, the Railway Assessment Authority shall revise that part of the roll, by making such alterations therein as are necessary to give effect to, or are consequential on, any decision on appeal (whether or not such an appeal as is mentioned in this subsection) given up to that time and any decision of the Authority given up to that time upon a representation made to them under the next succeeding section:

Provided that, if no such alteration is necessary, the Authority shall confirm that part of the roll, and for the purposes of this Act such a confirmation shall be deemed to be a revision.

For the purposes of this subsection, an appeal shall be deemed to be still pending, and not to have been finally determined, until it is withdrawn, or until the Commissioners have given their decision thereon and either the time has elapsed for appealing against that decision, or any appeal against that decision has been withdrawn or decided.

(2) Except in accordance with the provisions of the next succeeding section, no alteration shall be made in any part of the railway valuation roll after it has been revised by the Railway Assessment Authority under the last preceding subsection other than such alterations with respect to any particular hereditament as may be necessitated by the decision of any appeal with respect to that hereditament which was outstanding at the date of the revision.

Alterations **of railway** valuation **roll during quinquennial period.**

11.—(1) If at any time during a quinquennial period it is represented to the Railway Assessment Authority by the railway company concerned or by the rating authority of the rating area or the county valuation committee of the county within which the hereditament is situate, or by any person aggrieved, that—

(*a*) a hereditament entered in any part of the railway valuation roll as a railway hereditament occupied by the company ought to cease to be so entered by reason of some change which has, since the date on which the draft of that part was settled, occurred in the occupation, or in the character of the occupation, of that hereditament; or

(*b*) a hereditament not entered in the roll as a railway hereditament occupied by the company ought to be so entered by reason of some change which has, since the date on which the draft of the relevant part of the roll was settled, occurred in the occupation, or the character of the occupation, of that hereditament; or

(*c*) any premises which have been treated by the Authority as forming part of a railway hereditament occupied by the company, or as not forming part of any railway hereditament so occupied, ought to be treated differently by reason of some change which has, since the date on which the draft of the relevant part of the roll was settled, occurred in the occupation, or the character of the occupation, of those premises; or

(*d*) the value of a hereditament entered in any part of the roll as a railway hereditament occupied by the company has, since the date on which the draft of that part was settled, been affected by the making of structural alterations, or by the total or partial destruction of any building or other erection by fire or other physical cause; or

(*e*) the value of a hereditament entered in any part of the roll as a railway hereditament occupied by the company is incorrect by reason of some clerical or arithmetical error;

the Authority shall—

(i) if they have not already revised the relevant part of the roll, make in the course of their revision thereof such alteration, if any, as they think fit; or

(ii) if they have already revised that part, make in that part as revised such alteration, if any, with respect to the hereditament to which the representation relates, as they think fit:

Provided that no representation shall be made under this subsection with respect to any matter as to which a representation was made to the Authority under the Third Schedule to this Act.

(2) In any case where a representation is made under this section with respect to any hereditament, the Railway Assessment Authority shall give notice of their determination to the railway company concerned, to the county valuation committee of the county and the rating authority of the rating area within which the hereditament is situate, and to any person who appeared before the Authority as a party on the consideration of the representation.

(3) If, in any case where a representation is made under this section with respect to any hereditament, the railway company concerned, or the county valuation committee of the county, or the rating authority of the rating area, within which the hereditament is situate, or any person aggrieved, is dissatisfied with the determination of the Railway Assessment Authority, they may within such time as may be prescribed by rules made under subsection (4) of section nine of this Act appeal to the Railway and Canal Commissioners and the Commissioners may make any order which the Authority might have made.

(4) The provisions of subsections (3), (4) and (5) of the said section nine shall apply in relation to appeals under this section as they apply in relation to appeals under subsection (2) of that section.

(5) If at any time during a quinquennial period it appears to the railway assessment authority that by reason of alterations made in any part of the railway valuation roll since that part of the roll was revised by them (including any alteration made by them to give effect to the decision upon any appeal which was outstanding at the date of the revision) the total of the net annual values appearing in that part in respect of the railway hereditaments occupied by the railway company (in this subsection referred to as the "existing total") differs from the total of the net annual values appearing in that part immediately after it was revised as aforesaid (in this subsection referred to as the "original total") by more than one per cent. of the original total, or by more than five thousand pounds,

whichever may be the greater, the Railway Assessment Authority shall—

(*a*) in a case where the existing total is greater than the original total, reduce the net annual value of each railway hereditament occupied by the company by the amount which bears to the difference between the existing total and the original total the same proportion as the net annual value of the hereditament bears to the existing total;

(*b*) in a case where the existing total is less than the original total, increase the net annual value of each railway hereditament occupied by the company by the amount which bears to the difference between the existing total and the original total the same proportion as the net annual value of the hereditament bears to the existing total;

(*c*) make such alteration in the rateable value of each hereditament as may be necessary to give effect to the provisions of subsection (2) of section six of this Act with respect to the calculation of rateable value by reference to net annual value.

Valuation lists to conform to railway valuation roll.

12.—(1) So soon as an assessment committee have received from the Railway Assessment Authority notice that any part of a railway valuation roll has been completed and information as to the contents of that part, they shall cause the values entered in that part of the roll, and such of the other particulars entered therein as may be prescribed, to be entered in the valuation list in substitution for values or particulars appearing in that list.

(2) Where the Railway Assessment Authority have made any alteration in any part of a railway valuation roll, either in revising that part or at a date subsequent to the revision thereof, they shall send particulars of the alteration and of the grounds upon which it was made to the railway company concerned and to every assessment committee and rating authority in England within whose assessment area or rating area there is any hereditament affected by the alteration.

(3) Every assessment committee which receives any such information as is mentioned in the last preceding subsection shall cause to be made such amendments of any valuation list (including any valuation list which has ceased to be in force since the date as from which under the provisions of the next subsection the amendments are to have effect) as are necessary to secure that the hereditaments, values and particulars which appear in the roll, appear also in the list, and shall also cause to be made any necessary consequential amendments.

(4) For the purposes of the liability of a railway company to rates, an amendment made under this section shall in relation to any rate have effect—

(i) in the case of an amendment occasioned by the completion or the revision of the relevant part of the roll, or the decision of any appeal which was outstanding at the date of the revision of that part, as from the commencement of the quinquennial period;

(ii) in the case of an amendment occasioned by an alteration made in any part of the roll after the revision thereof upon a representation under paragraph (*a*), (*b*), (*c*) or (*d*) of subsection (1) of the last preceding section, as from the happening of the event which gave rise to the representation, or as from the first day of the period in respect of which the general rate current at the date of the service of the representation upon the Authority was made, whichever may be the later;

(iii) in the case of an amendment occasioned by an alteration made in any part of the roll after the revision thereof upon a representation under paragraph (*e*) of the said subsection (1), as from the first day of the period in respect of which the general rate current at the date of the service of the representation upon the Authority was made;

(iv) in the case of an amendment occasioned by an alteration made in the roll under subsection (5) of the last preceding section, as from the first day of the period in respect of which the next general rate is made.

(5) Where the effect of any information given under subsection (2) of this section is that any premises previously treated by the Authority as being a railway hereditament, or part of a railway hereditament, have ceased to be so treated, such amendments may be made of any valuation list (including any valuation list which has ceased to be in force since the date as from which under the provisions of this subsection the amendments are to have effect) by way of proposal or, in London, by way of provisional or supplemental list, as are necessary to secure that those premises and correct values and particulars in respect thereof appear in the appropriate part of the valuation list.

For the purposes of the liability of any person to rates, an amendment made under this subsection shall in relation to any rate have effect, in a case where the variation in the treatment of the premises is due to a change occurring during the quinquennial period in the occupation, or the character of the occupation, of the premises, as from the date of that change, and, in any other case, as from the commencement of the quinquennial period.

(6) Where under this section there is made any amendment of a valuation list which affects the amount of any rate levied in respect of any hereditament in accordance with the list, the difference, if too much has been paid, shall be repaid or allowed to the ratepayer, or if too little has been paid, shall be paid by and may be recovered from him as if it were arrears of the rate.

(7) Where under this section there is made any amendment of a valuation list, the assessment committee shall make any necessary amendment in the totals of values shown in that list.

(8) In the case of a rating area in London, any amendment made under this section in a total of values shall, notwithstanding anything contained in the Valuation (Metropolis) Act, 1869, have effect— **32 & 33 Vict. c. 67.**

(i) if the date as from which the amendment has effect under subsection (4) of this section is the sixth day of April in any year, as from the said date; and

(ii) in any other case, as from the sixth day of April next following the said date;

and where any such amendment in a total of values affects the amount of any sum already assessed on, or any contribution already required from, that area by the London County Council or by the Commissioner of Police of the Metropolis, the difference shall be paid or, as the case may be, repaid or allowed.

(9) Subject to the provisions of this section with respect to the adjustment of payments, every rate in respect of which the valuation list is conclusive, shall, in the case of any hereditament shown in the railway valuation roll as a railway hereditament, be made and levied in accordance with the valuation list in force for the time being, and may be collected and shall be recoverable notwithstanding any appeal or representation which may be pending under this Act, and no appeal against a rate shall lie to quarter sessions in respect of any matter in respect of which relief might have been or might be obtained under the provisions of this Act by means of a representation to the Railway Assessment Authority or to the Joint Authority, or by means of an appeal to the Commissioners.

(10) In this section the expression "valuation list" includes a draft valuation list or new valuation list, whether finally approved or not, which has not yet come into force.

Preparation and approval of apportionment scheme.

13.—(1) The Railway Assessment Authority shall, as soon as may be after the passing of this Act, prepare a scheme (in this Act referred to as an "apportionment scheme") for determining—

(*a*) the principles in accordance with which in the case of every railway company the net annual value of the company's undertaking as a whole, or the net annual value of the company's undertaking as a whole in so far as it is carried on in England, as the case may be, is to be apportioned by the Authority between the railway hereditaments in England occupied by the company; and

(*b*) the basis on which the expenses of the Authority are to be apportioned among the councils of the several counties and county boroughs in England.

(2) The principles laid down in any scheme made under this section shall be such as to secure that the Authority in apportioning the net annual value of a railway company's undertaking as a whole, or the net annual value of such an undertaking as a whole in so far as it is carried on in England, shall—

(i) in the case of hereditaments consisting of land used only as a railway made under the powers of any Act of Parliament for public conveyance, have regard, amongst other material considerations, to an estimate of the traffic conveyed over the hereditament; and

(ii) in the case of other hereditaments, have regard, amongst other material considerations, to the value for the purposes of the undertaking of a railway company of the land and structures comprised in the hereditament;

and the scheme may contain such incidental and consequential provisions as appear to the Authority to be necessary or desirable.

(3) The Railway Assessment Authority shall, as soon as they have prepared a scheme in accordance with the provisions of this section, give public notice thereof in the prescribed form and manner, and after hearing and considering any representations which may be made to them by any railway company, any county valuation committee, or the council of any county borough, or any other rating authority whose interests are in the opinion of the Railway Assessment Authority specially affected, within such period, not being less than two months, as may be specified in the notice, shall make in the scheme such modifications, if any, as they consider necessary and submit the scheme to the Minister.

(4) The Minister may, subject to the provisions of this subsection, make an order confirming with or without modifications the scheme so submitted to him:

Provided that, before the order confirming the scheme is made by the Minister, the scheme as proposed to be confirmed by the order shall be laid in draft before both Houses of Parliament, and if either House within the next subsequent twenty-eight days on which that House has sat next after the draft is laid before it resolves that an address be presented to His Majesty against the draft scheme, or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making and confirmation of a new scheme.

(5) A scheme made and confirmed under this section may be varied or revoked by another scheme made and confirmed in like manner and subject to the like conditions.

Assistance and information to be given to Railway Assessment Authority.

14.—(1) Every rating authority and every assessment committee shall give to the Railway Assessment Authority any assistance which the Authority may reasonably require for the purposes of the due discharge of their functions under this Act and which it is in the power of the rating authority or assessment committee to give.

(2) For the purposes of the due discharge of their functions under this Act, the Railway Assessment Authority and the Joint Authority, respectively, may require the attendance before them of any persons as witnesses, and may examine those witnesses on oath, and may from time to time require a railway company to furnish to them such statements of account, returns and particulars as are reasonably necessary for the purposes aforesaid, and may require the production of any books, accounts or documents in the possession of the company relating in any manner to matters as to which they require to be informed for those purposes.

(3) If any railway company, or the manager, secretary, or chairman of the board of directors of any railway company, fails within a reasonable time to furnish any statements, returns or particulars or to produce any books, accounts or documents when required so to do by either Authority in pursuance of the provisions of this section, the company shall not be entitled, so long as the failure continues, to make or maintain any representation with respect to, or to appeal against, any valuation of the undertaking of the company or of any railway hereditament occupied by the company.

(4) If a railway company is aggrieved by any requirement made by either Authority under this section, the company may, at any time within twenty-eight days after the date on which the requirement is made, appeal against it to the Railway and Canal

Commissioners and pending the determination of the appeal shall be under no obligation to comply with that requirement.

The Commissioners on any such appeal shall make such order in the matter as seems to them proper, and no appeal shall lie from their decision on any such appeal.

The Commissioners may make rules under section twenty of the Railway and Canal Traffic Act, 1888, with respect to the procedure on appeals under this subsection.

Combination of authorities for purposes of appeals, &c.

15. It shall be lawful for county valuation committees and rating authorities, in any case where it appears to them that it is to their interest that a representation or appeal under this Act should be made, prosecuted or resisted, to enter into an agreement for sharing the expense of making, prosecuting or resisting the representation or appeal, as the case may be, and with respect to the conduct of the proceedings by one of the parties to the agreement in the interests of all of those parties.

Inspection of railway valuation roll.

16. The draft of any part of a railway valuation roll shall during the two months next following the settlement of that draft, and any completed part of a railway valuation roll shall during the two months next following the completion of that part, be open at all reasonable hours to inspection by any person interested at the offices of the Railway Assessment Authority without the payment of any fee.

Railway valuation roll not to be rendered invalid by delay in completion.

17. Any failure on the part of the Railway Assessment Authority to complete the whole or any part of a railway valuation roll before the date upon which under the provisions of this Act the roll is to come into operation, shall not of itself render the roll or any part thereof invalid, and each part of the roll as and when completed shall for all purposes take effect as from the said date.

Minor modifications of the Rating and Valuation Acts.

18.—(1) As from the appointed day, a rating authority, in preparing a draft valuation list or a new valuation list under the Rating and Valuation Acts, shall enter therein in respect of any hereditament for the time being shown in the railway valuation roll as a railway hereditament the values and other particulars appearing in respect of that hereditament in the valuation list for the time being in force, and, while that hereditament remains in the roll, no amendment shall be made in the values or other particulars so entered except in pursuance of a notice sent to the assessment committee by the Railway Assessment Authority under the provisions of this Act relating to the notification to assessment committees of values and of alterations of values of railway hereditaments.

32 & 33 Vict. c. 67.
15 & 16 Geo. 5. c. 90.

(2) Section forty-three of the Valuation (Metropolis) Act, 1869, and subsection (2) of section nineteen of the Rating and Valuation Act, 1925 (which relate to the duration of valuation lists) shall have effect subject to the provisions of this Act.

(3) The provisions of the Rating and Valuation Acts with respect to objections to valuation lists and draft valuation lists and to appeals against decisions upon such objections, with respect to the revision or amendment of current valuation lists by means of proposals, supplemental lists or provisional lists and with respect to the making of returns by owners and occupiers shall not apply in the case of a hereditament for the time being shown in the railway valuation roll as a railway hereditament.

(4) The provisions of the Rating and Valuation Acts with respect to the powers of persons employed by a rating authority to enter on, survey and inspect hereditaments shall apply also to persons appointed or employed by the Railway Assessment Authority.

Railway Assessment Authority to apportion value of railway hereditaments if required for certain purposes.

19. Where by any enactment or by any scheme or order made under any enactment an assessment committee or rating authority are required or authorised to make any necessary apportionments of the values of hereditaments, the Railway Assessment Authority shall upon the request of the assessment committee or rating authority, as the case may be, make on their behalf the necessary apportionment of the net annual and rateable values of any railway hereditament, and an apportionment so made shall, for the purposes of the said enactment, have the same effect as if it had been made by the assessment committee or, as the case may be, by the rating authority.

Modification of provisions of 8 & 9 Vict. c. 18. s. 133.

20. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (which provides that until the completion of works promoters shall make good any deficiency of land tax and poor rate caused by lands being taken) shall not, in so far as it relates to any rate, apply to any hereditament for the time being shown in the railway valuation roll as a railway hereditament, but, save as aforesaid, nothing in this Act shall affect the operation of that section as amended by any subsequent enactment.

Temporary and transitory provisions.

21. The provisions contained in Part 1 of the Fourth Schedule to this Act shall have effect with respect to the period of twelve months commencing on the first day of April, nineteen hundred and thirty, and if the Railway Assessment Authority are unable to complete before the first day of April, nineteen hundred and thirty-one, any part of the first railway valuation roll, the provisions contained in Part II of the said Schedule shall have effect in relation to the railway company to which that part of the roll relates and its undertaking.

Provisions as to value of Scottish portions of railway undertaking carried on in England and in Scotland.

22.—(1) The Assessor of Railways and Canals (hereafter in this section referred to as " the Assessor ") shall, as soon as the Joint Authority certifies to him the amount apportioned to Scotland of the average net receipts ascertained by that Authority of any railway company whose undertaking is carried on in England and in Scotland, proceed to fix in accordance with the following provisions the cumulo yearly rent or value of the lands and heritages in Scotland belonging to or leased by such railway company and forming part of its undertaking:—

(i) The Assessor shall add to the amount of such average net receipts apportioned to Scotland—

(*a*) one half of any sum included in respect of the maintenance or repair of the permanent way in Scotland in the amount directed to be deducted by paragraph (ii) of subsection (3) of section four as applied by section five of this Act.

(*b*) any sum so included in respect of owner's rates in Scotland; and (*c*) a sum bearing to the amount so included in respect of the expenses of general management and of repairs to stations and buildings the same proportion as the amount of the average net receipts apportioned to Scotland bears to the total of the average net receipts, less such part of that sum as might have been deducted in respect of such expenses in accordance with the law and practice of Scotland existing immediately prior to the passing of this Act.

(ii) The Assessor shall in accordance with the principles laid down in paragraph (*a*) of subsection (1) and subsections (3) and (4) of section four of this Act, subject to such modifications as may be necessary in order to ensure that the amount arrived at shall include the like additions as are directed to be made by the immediately preceding paragraph, ascertain the average net receipts of the company in so far as the total revenue receipts and expenditure by reference to which average net receipts are required to be ascertained represent receipts and expenditure attributable solely to lands and heritages in Scotland which the Assessor is required to value not being receipts and expenditure in respect of railway working, and the Assessor shall add the average net receipts so ascertained to the amount arrived at in pursuance of the immediately preceding paragraph, or if the total revenue receipts and expenditure attributable solely to such lands and heritages in Scotland disclose on the average a deficiency, the Assessor shall deduct the amount thereof from the amount arrived at in pursuance of the immediately preceding paragraph, and the sum arrived at by such addition or deduction shall be taken to be the average net receipts of the company so far as they are attributable to the carrying on of the undertaking in Scotland.

(iii) The Assessor shall estimate by reference to such average net receipts the rent at which, one year with another, the undertaking of the company so far as carried on in Scotland might be reasonably expected to let from year to year, and for the purpose of arriving at such estimate the Assessor, and the Lands Valuation Appeal Court on any appeal under the provisions hereinafter contained, shall not be bound to give effect to any custom or practice affecting the valuation of railways which obtained prior to the passing of this Act in regard to tenants' allowances, but shall have regard to all relevant circumstances and all material considerations with a view to securing that such estimated rent shall represent a fair and just division as between landlord and tenant of the average net receipts of the company so far as they are attributable to the carrying on of the undertaking in Scotland ; and

(iv) the rent so estimated shall be the cumulo yearly rent or value within the meaning of the Lands Valuation (Scotland) Acts of the lands and heritages in Scotland belonging to or leased by the company and forming part of its undertaking.

(2) Save as provided in the immediately succeeding subsection, the cumulo yearly rent or value of a railway company's undertaking so far as carried on in Scotland fixed in accordance with the foregoing provisions of this section shall be the cumulo yearly rent or value for a period of five years from the term of Whit Sunday next ensuing after such rent or value is so fixed (which period is hereinafter referred to as a "quinquennial period") and shall be entered in the valuation roll for each of such five years.

(3) If at any time during the first four years of a quinquennial period the railway company becomes the owner or occupier of any additional lands and heritages forming part of its undertaking in Scotland, or ceases to own or occupy any lands and heritages forming part of its undertaking in Scotland, or where owing to alterations or reconstructions the value of any lands and heritages forming part of its undertaking in Scotland has increased or decreased, the Assessor shall in the valuation roll for the next ensuing year make such alteration, if any, with respect to such lands and heritages as he shall deem necessary, by omitting or entering such lands and heritages, or by altering the gross or net annual or

rateable value thereof; and where the Assessor makes any such alteration, the cumulo yearly rent or value of the company's undertaking so far as carried on in Scotland shall be altered accordingly.

17 & 18 Vict. c. 91.

(4) Sections twenty-four and twenty-five of the Lands Valuation (Scotland) Act, 1854, as amended by any subsequent enactment shall have effect as if for the right of appeal, or the right to object and represent to the Lord Ordinary or the Sheriff thereby respectively conferred on the railway, canal, or other company and on the county or burgh, there were substituted a right of appeal to the Lands Valuation Appeal Court, and any reference in the said sections to the Lord Ordinary or Sheriff shall accordingly be construed as a reference to such Court, and the Court of Session shall have power by Act of Sederunt to regulate the procedure in such appeals:

Provided that it shall not be competent in any such appeal to enter upon any inquiry as to the correctness of any amount, or the fairness of any apportionment, certified by the Joint Authority.

57 & 58 Vict. c. 36.

(5) The Valuation of Lands (Scotland) Acts Amendment Act, 1894, shall have effect as if for any reference in section two or section three to the fifteenth day of March, and for any reference in section three to the eighth or the tenth day of April, or to the fifteenth day of May, there were substituted a reference to such day as the Secretary of State may prescribe.

(6) Where a decision on any appeal under the provisions of this Act against a certificate of the Joint Authority or against any entry in a valuation roll made up by the Assessor shall have been given after the authentication by the Assessor of a valuation roll based on such certificate or containing such entry as the case may be, the Assessor shall make and authenticate such alteration in the valuation roll as may be necessary to give effect to such decision, and where any rate has been levied in respect of lands and heritages belonging to a railway company and forming part of its undertaking prior to such alteration, the difference between the amount so levied and the amount which would have been levied had the alteration been made prior to the levying of the rate shall be recoverable from the railway

company by the rating authority or from the rating authority by the railway company as the case may be.

(7) Section one hundred and twenty-seven of the Lands Clauses Consolidation (Scotland) Act, 1845 (which provides that until completion of works, promoters shall make good any deficiency of land tax, poor's rate and prison assessment caused by lands being taken) shall not, in so far as it relates to any rate or assessment, apply to any lands and heritages belonging to any railway company and included in the valuation roll made up by the Assessor, but save as aforesaid nothing in this section shall affect the operation of that section as amended by any subsequent enactment. 8 & 9 Vict. c. 19.

(8) The amount of the expenses of the Joint Authority apportioned to Scotland shall be payable by the railway companies whose undertakings are carried on in England and in Scotland in shares proportionate to the respective amounts of the average net receipts of such companies apportioned to Scotland, and any sum so payable by any such railway company shall be paid by that company to the Joint Authority within one month after a demand therefor has been made by the Joint Authority on the company.

(9) For the purposes of this section, premises occupied as a dwelling-house, hotel or place of public refreshment, or so let out as to be capable of separate assessment, shall be deemed not to form part of a railway company's undertaking; and the following expressions shall have the meanings hereby assigned to them respectively, that is to say:—

"Lands Valuation (Scotland) Acts" means the Lands Valuation (Scotland) Act, 1854, and any Acts amending that Act;

"Lands Valuation Appeal Court" means the three judges of the Court of Session nominated under section eight of the Valuation of Lands (Scotland) Amendment Act, 1867, and section seven of the Valuation of Lands (Scotland) Amendment Act, 1879, as amended by section seven of the Local Government (Scotland) Act, 1908; 30 & 31 Vict. c. 80. 42 & 43 Vict. c. 80. 8 Edw. 7. c. 62.

"Receipts and expenditure in respect of railway working" has the like meaning as in subsection (2) of section five of this Act;

and other expressions have the like meanings as in the Lands Valuation (Scotland) Acts.

Interpretation.

23.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"The Rating and Valuation Acts" means, in relation to places outside London, the Rating and Valuation Acts, 1925 to 1929, and in relation to London, the Rating and Valuation (Metropolis) Acts, 1869 to 1929;

"The appointed day" means, in relation to places outside London, the first day and, in relation to London, the sixth day, of April, nineteen hundred and thirty-one;

"The Minister" means the Minister of Health;

"Accounting year" means a period of twelve months commencing on the first day of January in any year;

"Scottish public authority" means any body which obtains from the Secretary of State a certificate that it is a body representative of Scottish rating authorities;

"Prescribed" means prescribed by rules made under the Rating and Valuation Acts.

(2) Any reference in this Act to a county valuation committee shall in relation to London be construed as a reference to the London County Council.

(3) For the purpose of this Act, services performed by a railway company—

(i) in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail; or

(ii) in connection with the transportation of passengers, parcels, goods or merchandise in ferry boats, or boats plying on rivers, canals or lakes, or with the embarkation or disembarkation of passengers, parcels, goods or merchandise in or from any boats or vessels,

shall be deemed to be performed by the company in carrying on their undertaking and not in carrying on a road transport or sea transport undertaking, and the receipts and expenditure attributable to the performance of such services shall be deemed to be receipts and expenses of the undertaking of the company.

24.—(1) This Act may be cited as the Railways (Valuation for Rating) Act, 1930, and shall be construed as one with the Rating and Valuation Acts, and those Acts and this Act may be cited together as the Rating and Valuation Acts, 1925 to 1930, or as the Rating and Valuation (Metropolis) Acts, 1869 to 1930, as the case may be.

Short title and extent.

(2) This Act shall not extend to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

Provisions with respect to the submission and approval of Schemes for applying the Act to a Railway Company to which it does not apply.

1. A scheme for applying all or any of the provisions of this Act, either with or without adaptations and modifications, to a railway company to which this Act does not for the time being apply, being a company whose principal business is the working of a railway or of a light railway as defined in subsection (3) of section five of the Rating and Valuation (Apportionment) Act, 1928, may be submitted to the Minister by the railway company concerned or by the Railway Assessment Authority.

2. The railway company or the Authority, as the case may be, shall within one month after submitting the scheme forward copies thereof to the Central Valuation Committee and to such other persons as the Minister may direct, together with a notice specifying the date on which the scheme was submitted to the Minister and stating that the Minister will consider any representation with respect to the scheme which may be received by him within four months from the said date.

3. The Minister, after considering any representation received by him within the period of four months above-mentioned,

1ST SCH. —*cont.*

may make an order either rejecting the scheme or approving it with or without modifications.

4. An order approving a scheme under this Schedule shall be laid before both Houses of Parliament forthwith and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it praying that the order may be annulled, it shall thenceforth be void, but without prejudice to the making of a new order.

Section 2.

SECOND SCHEDULE.

PART I.

PROVISIONS WITH RESPECT TO THE CONSTITUTION AND PROCEDURE OF THE RAILWAY ASSESSMENT AUTHORITY AND THE JOINT AUTHORITY.

(a) *Railway Assessment Authority.*

1. The term of office of the chairman of the Railway Assessment Authority (in this Part of this Schedule referred to as " the Authority ") shall be five years and the term of office of any other member of the Authority shall be such as the Minister may determine, but any member of the Authority may at any time resign his office.

2. Any member of the Authority shall be eligible for reappointment at the expiration of his term of office.

3. The Authority shall have an official seal which shall be judicially noticed.

4. The proceedings of the Authority shall not be invalidated by any vacancy among its members or any defect in the appointment of any member; and, until the contrary is proved, the Authority shall be deemed to have been duly constituted and to have had power to deal with any matters dealt with by it.

5. At all meetings of the Authority the chairman, or other member acting as chairman, shall, in the case of an equal division of votes, have a second or casting vote.

6. Subject to the provisions of the last preceding paragraph, the Authority may make rules with respect to the procedure at their meetings and with respect to the number of members necessary to constitute a quorum.

7. Rules made under the last preceding paragraph may authorise the Authority to sit in two or more divisions for the purpose of dealing with any matters which are to be dealt with by the Authority other than the determination of the net annual value of an undertaking as a whole, or the net annual value of an undertaking as a whole in so far as it is carried on in England; and, where the Authority so sits, the provisions of paragraph 5 of this Part of this Schedule shall apply to the meetings of each division.

8. The Authority may appoint a clerk and may appoint or employ valuers and such other persons as they may consider necessary for the purpose of the due discharge of their functions, and may provide such offices as they may consider necessary for that purpose; and they shall pay to any clerk, valuer or person so appointed or employed such remuneration (including in the case of a permanent officer such superannuation allowance or gratuity on retirement) as they may determine.

(b) *Joint Authority.*

9. The term of office of the representative of the Authority upon the Joint Authority shall be such as the Minister may determine, but he shall be eligible for re-appointment at the expiration of his term of office, and he may at any time resign his office.

10. Paragraphs 3, 4, 5, 6 and 8 of this Part of this Schedule shall apply to the Joint Authority as they apply to the Authority.

Part II.

Provisions with respect to the Expenses, Accounts and Audit of the Railway Assessment Authority and of the Joint Authority.

1. The expenses of the Joint Authority shall be apportioned by that Authority between England and Scotland in the same proportions as those in which the aggregate of the net receipts of the companies whose undertakings are carried on in England and in Scotland, as ascertained by that Authority, stands apportioned between those countries at the close of the period of account in which the expenses are chargeable, and the amount so apportioned to England shall be paid to the Joint Authority by the Railway Assessment Authority.

2. The expenses of the Railway Assessment Authority, including any sum paid to the Joint Authority in accordance with the preceding paragraph, shall be apportioned by the Railway Assessment Authority in the manner hereinafter provided among the councils of the several counties and county

2nd Sch. —*cont.* boroughs in England, and the Authority may issue precepts to those councils requiring payment of any amount apportioned upon them under this paragraph, and a council shall pay in accordance with any precept so issued to it the amount thereby demanded out of the rate or fund applicable to the payment of its general expenses.

3. For the purposes of the preceding paragraph, the expenses of the Railway Assessment Authority shall be apportioned upon the basis determined by the apportionment scheme made and confirmed in accordance with the provisions of this Act:

Provided that, if the authority deem it necessary to issue precepts in respect of any expenses before they are in a position to ascertain the values upon the basis of which those expenses would under this paragraph be apportionable, those expenses shall be apportioned by them on the basis of the net annual values (as shewn in the valuation lists in force at the commencement of the financial year in which the precepts are issued) of freight transport hereditaments occupied by any railway company within the several counties and county boroughs.

4. The Railway Assessment Authority and the Joint Authority respectively may at any time borrow any sum which they temporarily require for the purpose of defraying any expenses pending the receipt of revenues receivable by them in respect of the period of account in which the expenses are chargeable and may pay interest at a reasonable rate on any sum so borrowed.

5. The accounts of the receipts and expenditure under this Act of the Railway Assessment Authority and of the Joint Authority respectively and of the officers of those Authorities shall be made up to such date in each year, and shall be audited by such persons and in such manner, as the Minister may from time to time direct.

Section 7.

THIRD SCHEDULE.

PROVISIONS AS TO DETERMINATION AND APPORTIONMENT OF RECEIPTS AND VALUES BY JOINT AUTHORITY AND RAILWAY ASSESSMENT AUTHORITY.

1. The Joint Authority, as soon as they are in a position to determine as regards any undertaking which is carried on in England and in Scotland the average net receipts of the company, so far as those receipts are to be ascertained by the Joint Authority, and to apportion the amount of those receipts

between England and Scotland, shall publish, in such manner as the Minister and the Secretary of State may direct, a notice stating the amount which they propose to fix as being the amount of those net receipts, and their proposed apportionment thereof between England and Scotland.

3rd Sch. —*cont.*

2. Where any such notice as aforesaid with respect to any undertaking has been published by the Joint Authority, representations in writing with respect to the amount which the Joint Authority propose to fix as the amount of the average net receipts of the company, or with respect to their proposed apportionment of that amount between England and Scotland, may, within two months from the date of the publication, be made to the Joint Authority by the railway company, by the county valuation committee of any county and the council of any county borough, being a county or county borough in England within which the undertaking is carried on, by any Scottish public authority and by the rating authority of any area in Scotland within which the undertaking is carried on.

Every such representation shall contain short particulars of the grounds on which the person making it is dissatisfied and a statement of the alterations which ought, in his opinion, to be made.

3. The Joint Authority shall take into consideration every representation made to them under the last preceding paragraph and shall invite the person making it and such other persons as they think fit to appear before them for the purpose of being heard by them with respect thereto.

4. So soon as may be after all representations made to them under this Schedule with respect to any undertaking have been considered as aforesaid, or, if no representation is made to them within the period allowed for the making of representations, then so soon as may be after the expiration of that period, the Joint Authority shall proceed to determine the average net receipts of the undertaking so far as such receipts are to be determined by them and to apportion those receipts between England and Scotland, and in so doing may make such alterations in the amount of the receipts, or in the apportionment originally proposed by them, as they may consider to be necessary for the purpose of giving effect to such, if any, of the representations made as appear to them to be well founded, or for the purpose of correcting any clerical or arithmetical errors.

The Joint Authority shall, so soon as may be, certify the amount so determined by them and their apportionment thereof to the Authority and to the Assessor of Railways and Canals for Scotland, and shall publish their certificate in such manner as the Minister and the Secretary of State may direct.

5. The Railway Assessment Authority (hereafter in this Schedule referred to as "the Authority"), so soon as they are

3rd Sch. —*cont.*

in a position to determine with respect to any railway company the net annual value of the undertaking as a whole, or the net annual value of the undertaking as a whole in so far as it is carried on in England, the apportionment thereof amongst the several railway hereditaments in England occupied by the company and the net annual and rateable values of each hereditament, shall settle a draft of the part of the railway valuation roll which relates to that undertaking and send to the railway company and to the county valuation committee of every county and the rating authority of every rating area, being a county or rating area in England within which the undertaking is carried on—

(*a*) a notice stating that a draft of that part was settled on a specified date and is open to inspection; and

(*b*) such information as to the contents of that part as may be prescribed to be sent to railway companies, county valuation committees and rating authorities respectively;

and every rating authority shall forthwith give such notice as to the receipt of, and afford such facilities for the inspection of, that information as may be prescribed.

6. Where any such notice as aforesaid with respect to any undertaking has been given by the Authority, representations in writing with respect to the proposals of the Authority, as contained in the draft of the relevant part of the roll, may, within such period, not being less than two months from the date of the notice, as may be specified therein, be made to the Authority by the persons hereinafter mentioned, that is to say:—

(*a*) with respect to the amount which the Authority propose to fix as being the amount of the average net receipts of the company so far as those receipts are to be ascertained by them, or the amount which they propose to fix as the net annual value of the undertaking as a whole, or of the undertaking as a whole in so far as it is carried on in England, by the railway company and by the county valuation committee of any county and the council of any county borough, being a county or county borough within which the undertaking is carried on;

(*b*) with respect to the Authority's proposal to treat any premises as being, or as not being, a railway hereditament, or a part of a railway hereditament, or with respect to the amount which the Authority propose to fix as the net annual value or rateable value of any railway hereditament, by the railway company and by the county valuation committee of the county and the rating authority of the rating area within which the hereditament is situate and by any person aggrieved.

Every such representation shall contain short particulars of the grounds on which the person making it is dissatisfied, and a statement of the alterations which ought, in his opinion, to be made.

3rd Sch. —*cont.*

7. The Authority shall take into consideration every representation made to them under the last preceding paragraph, and shall invite the person making it and such other persons as they think fit to appear before them for the purpose of being heard by them with respect thereto:

Provided that, upon a representation made under subparagraph (*b*) of the last preceding paragraph, the Authority shall not enter upon any inquiry as to the correctness of the amount proposed to be fixed as the net annual value of the undertaking as a whole, or of the undertaking as a whole, in so far as it is carried on in England and they shall not upon any representation made to them enter upon any inquiry as to the correctness of any amount, or the fairness of any apportionment, certified by the Joint Authority.

8. So soon as may be after all representations made to them under this Schedule with respect to any undertaking have been considered as aforesaid, or, if no representation is made within the period allowed for the making of representations, then so soon as may be after the expiration of that period, the Authority shall proceed to determine the net annual value of the undertaking as a whole, or the net annual value thereof as a whole in so far as it is carried on in England, as the case may be, the apportionment of that value among the several railway hereditaments occupied by the railway company, the manner in which those hereditaments are to be classified and the net annual and rateable values of each hereditament; and in so doing the Authority may make such alterations in any value, apportionment or classification originally proposed by them as they may consider to be necessary for the purpose of giving effect to such, if any, of the representations made as appear to them to be well-founded, or for the purpose of correcting any clerical or arithmetical errors or, if any appeal against a certificate of the Joint Authority has previously been decided, for the purpose of giving effect to the decision thereon.

Section 21.

FOURTH SCHEDULE.

Temporary and Transitory Provisions.

Part I.

1. If an agreement is made, whether before or after the commencement of this Act, between the chairman of the Central Valuation Committee acting with the authority of that Committee on the one hand, and any railway company on the other hand with respect to the ascertainment for the purposes of the financial year commencing on the first day of April, nineteen hundred and thirty, of the net annual and rateable values of hereditaments outside London occupied by that company, the net annual and rateable values of any such hereditament as ascertained in accordance with the provisions of the agreement shall, for the purpose of all rates made and levied in respect of the said year or any portion thereof, be deemed to be the net annual and rateable values respectively of that hereditament, and every assessment committee concerned shall, upon receiving notice of the values so ascertained, cause any necessary amendments to be made in the valuation lists for rating areas within their assessment area.

Part II.

1. For the purposes of any valuation list which will be in force at any time between the thirty-first day of March, nineteen hundred and thirty-one, and the date on which the relevant part of the first railway valuation roll has been revised by the Railway Assessment Authority, all hereditaments shewn in the valuation list in force on the said thirty-first day of March as being freight transport hereditaments occupied by the company shall be treated as if they were for the time being shewn in the railway valuation roll as railway hereditaments :

Provided that, if the company is a party to any such an agreement as is mentioned in Part I of this Schedule, every hereditament outside London occupied by the company, whether a freight transport hereditament or not, shall be so treated, if it was on the said thirty-first day of March a hereditament to which that agreement applies.

2. Until the relevant part of the first railway valuation roll has been revised by the Railway Assessment Authority, no alteration shall be made in the particulars and values appearing in any valuation list with respect to any hereditament which is under the last preceding paragraph to be treated as if it was

for the time being shewn in the railway valuation roll as a railway hereditament; but, so soon as may be after the revision, every assessment committee shall cause to be made such amendments of any valuation list (including any valuation list which has ceased to be in force since the date as from which under paragraph 4 of this Part of this Schedule the amendments are to have effect) as are necessary to secure that the hereditaments, values and particulars which appear in the roll appear also in the list, and shall also cause to be made any necessary consequential amendments. 4th Sch.—*cont.*

3. If it appears from the relevant part of the roll as completed and as revised that any premises which under paragraph 1 of this Part of this Schedule have been treated as being, or as forming part of, a railway hereditament are not a railway hereditament and do not form part of any railway hereditament, such amendments may be made of any valuation list (including any valuation list which has ceased to be in force since the date as from which under paragraph 4 of this Part of this Schedule the amendments are to have effect) by way of proposal, or in London by way of provisional or supplemental list, as are necessary to secure that those premises and correct values and particulars in respect thereof appear in the appropriate part of the valuation list.

4. All the provisions of this Act shall apply as if any amendment made under paragraph 2 of this Part of this Schedule had been made under subsection (3) of section twelve of this Act and as if any amendment made under the last preceding paragraph had been made under subsection (5) of the said section twelve.

CHAPTER 25.

An Act to confer on third parties rights against insurers of third-party risks in the event of the insured becoming insolvent, and in certain other events. [10th July 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where under any contract of insurance a person (hereinafter referred to as the insured) is Rights of third parties against insurers on bankruptcy &c. of the insured.

insured against liabilities to third parties which he may incur, then—

(*a*) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or

(*b*) in the case of the insured being a company, in the event of a winding-up order being made, or a resolution for a voluntary winding-up being passed, with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge;

if, either before or after that event, any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any Act or rule of law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

4 & 5 Geo. 5. c. 59.

(2) Where an order is made under section one hundred and thirty of the Bankruptcy Act, 1914, for the administration of the estate of a deceased debtor according to the law of bankruptcy, then, if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall, notwithstanding anything in the said Act, be transferred to and vest in the person to whom the debt is owing.

(3) In so far as any contract of insurance made after the commencement of this Act in respect of any liability of the insured to third parties purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (*a*) or paragraph (*b*) of subsection (1) of this section or upon the making of an order under section one hundred and thirty of the Bankruptcy Act, 1914, in respect of his estate, the contract shall be of no effect.

(4) Upon a transfer under subsection (1) or subsection (2) of this section, the insurer shall, subject to the provisions of section three of this Act, be under the same liability to the third party as he would have been under to the insured, but—

(*a*) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Act shall affect the rights of the insured against the insurer in respect of the excess; and

(*b*) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Act shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this Act, the expression "liabilities to third parties," in relation to a person insured under any contract of insurance, shall not include any liability of that person in the capacity of insurer under some other contract of insurance.

(6) This Act shall not apply—

(*a*) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or

(*b*) to any case to which subsections (1) and (2) of section seven of the Workmen's Compensation Act, 1925, applies.

15 & 16 Geo. 5. c. 84.

Duty to give necessary information to third parties.

2.—(1) In the event of any person becoming bankrupt or making a composition or arrangement with his creditors, or in the event of an order being made under section one hundred and thirty of the Bankruptcy Act, 1914, in respect of the estate of any person, or in the event of a winding-up order being made, or a resolution for a voluntary winding-up being passed, with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge it shall be the duty of the bankrupt, debtor, personal representative of the deceased debtor or company, and, as the case may be, of the trustee in bankruptcy, trustee, liquidator, receiver, or manager, or person in possession of the property to give at the request of any person claiming that the bankrupt, debtor, deceased debtor, or company is under a liability to him such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Act and for the purpose of enforcing such rights, if any, and any contract of insurance, in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of any such information in the events aforesaid or otherwise to prohibit or prevent the giving thereof in the said events shall be of no effect.

(2) If the information given to any person in pursuance of subsection (1) of this section discloses reasonable ground for supposing that there have or may have been transferred to him under this Act rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said subsection on the persons therein mentioned.

(3) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

Settlement between insurers and insured persons.

3. Where the insured has become bankrupt or where in the case of the insured being a company, a winding-up order has been made or a resolution for a voluntary winding-up has been passed, with respect to the company, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding up, as the case may be, nor any waiver, assignment, or other disposition made by, or payment made to the insured after the commencement aforesaid shall be effective to defeat or affect the rights transferred to the third party under this Act, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Application to Scotland.

4. In the application of this Act to Scotland—

(*a*) the expression "company" includes a limited partnership;

(*b*) any reference to an order under section one hundred and thirty of the Bankruptcy Act, 1914, for the administration of the estate of a deceased debtor according to the law of bankruptcy, shall be deemed to include a reference to an award of sequestration of the estate of a deceased debtor, and a reference to an appointment of a judicial factor, under section one hundred and sixty-three of the Bankruptcy (Scotland) Act, 1913, on the insolvent estate of a deceased person. 3 & 4 Geo. 5. c. 20.

5. This Act may be cited as the Third Parties (Rights against Insurers) Act, 1930. Short title.

CHAPTER 26.

An Act to confirm and give effect to certain agreements entered into between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba, British Columbia, Alberta and Saskatchewan respectively.

[10th July 1930.]

WHEREAS the agreements set out in the Schedule to this Act were entered into between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba, British Columbia, Alberta and Saskatchewan respectively subject, however, in each case to approval by the Parliament of Canada and the Legislature of the Province to which the agreement relates and also to confirmation by the Parliament of the United Kingdom:

And whereas each of the said agreements has been duly approved by the Parliament of Canada and by the Legislature of the Province to which it relates:

And whereas, after the execution of the said agreement relating to the Province of Alberta, it was agreed between the parties concerned, subject to such approval and confirmation as aforesaid, that the said Province should, in addition to the rights accruing to it under the said agreement as originally executed, be entitled to such further rights, if any, with respect to the subject matter of the said agreement as were required to be vested in the Province in order that it might enjoy rights equal to those which might be conferred upon or reserved to the Province of Saskatchewan under any agreement upon a like subject matter thereafter approved and confirmed in the manner aforesaid, and provision in that behalf was accordingly made by the Parliament of Canada and the Legislature of the Province of Alberta when approving the said agreement:

And whereas the Senate and Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to give his consent to the submission of a measure to the Parliament of the United Kingdom for the confirmation of the said agreements:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of scheduled agreements. 30 & 31 Vict. c. 3.

1. The agreements set out in the Schedule to this Act are hereby confirmed and shall have the force of law notwithstanding anything in the British North America Act, 1867, or any Act amending the same, or any Act of Parliament of Canada, or in any Order in Council or terms or conditions of union made or approved under any such Act as aforesaid.

Extension of scheduled agreement relating to Alberta.

2. The agreement relating to the Province of Alberta which is confirmed by this Act shall be construed and have effect for all purposes as if it contained a provision to the following effect, namely, that the said Province shall, in addition to the rights accruing to it under the said agreement as originally executed, be entitled to such further rights, if any, with respect to the subject matter of the said agreement as are required to be vested in the Province in order that it may enjoy rights equal to those conferred upon, or reserved to, the Province of Saskatchewan under the agreement relating to that Province which is confirmed by this Act.

Short title.

3. This Act may be cited as the British North America Act, 1930, and the British North America Acts, 1867 to 1916, and this Act may be cited together as the British North America Acts, 1867 to 1930.

SCHEDULE.

(1.) MANITOBA.

Memorandum of Agreement.

Made this fourteenth day of December, 1929.

Between

The Government of the Dominion of Canada, represented herein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior,
Of the First Part,

and

The Government of the Province of Manitoba, represented herein by the Honourable John Bracken, Premier of Manitoba, and the Honourable Donald G. McKenzie, Minister of Mines and Natural Resources - - - Of the Second Part.

Whereas by section thirty of the Manitoba Act, being chapter three of thirty-three Victoria, it was provided that all ungranted or waste lands in the Province should be vested in the Crown and administered by the Government of Canada for the purposes of the Dominion, subject to the conditions and stipulations contained in the Agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty:

And whereas the boundaries of the Province as defined by the Manitoba Act were altered and the area included in the said Province enlarged by the statutes forty-four Victoria chapter fourteen, and two George the Fifth chapter thirty-two:

And whereas by an Order in Council adopted upon a report from the Right Honourable W. L. Mackenzie King, Prime Minister of Canada, and approved by His Excellency the Governor General on the first day of August, 1928, it was provided, pursuant to an agreement in that behalf entered into with representatives of the Government of the Province that the Province would be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1870, that a commission of three persons would be appointed to inquire into and report as to what financial readjustments should be made to effect that end and that upon agreement between the Government of Canada and the Government of the Province upon the financial terms, following consideration of the report of the Commission, a transfer would be made by Canada to the Province of the unalienated natural resources within the boundaries of the Province subject to any trust existing in respect thereof and without prejudice to any interest other than that of the Crown in the same:

And whereas a Commission, composed of the Honourable Mr. Justice W. F. A. Turgeon, the Honourable Thomas Alexander Crerar and Charles M. Bowman, Esquire, was appointed to conduct an inquiry into the financial readjustments involved in the proposed transfer, and the Commission has since reported its findings and these findings have been accepted and agreed to by the Government of Canada and the Government of the Province:

And whereas it is now expedient, in order to carry out the purpose of the aforesaid Order in Council and to give effect to the agreement arrived at in the premises between the Government of Canada and the Government of the Province, to modify the provisions of the statutes above referred to as herein set out.

Now Therefore This Agreement Witnesseth:

Transfer of Public Lands Generally.

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall, from and after the coming into force of this agreement, and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any

such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interest therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred, or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time, and until otherwise directed, may be exercised by the Minister of Mines and Natural Resources of the Province.

4. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or Order in Council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of land for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the Dominion Lands Act and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the Dominion Lands Act or the said Agreement of the 23rd day of December, 1924.

School Lands Fund and School Lands.

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within those parts of the District of Keewatin and of the Northwest Territories now included within the boundaries of the said Province.

7. The School Lands Fund to be transferred to the Province as aforesaid and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province.

Water.

8. The Province will pay to Canada, by yearly payments on the first day of January in each year after the coming into force of this agreement, the proportionate part, chargeable to the development of power on the Winnipeg River within the Province, of the sums which have been or shall hereafter be expended by Canada pursuant to the agreement between the Governments of Canada and of the Provinces of Ontario and Manitoba, made on the 15th day of November, 1922, and set forth in the Schedule hereto, the Convention and Protocol relating to the Lake of the Woods entered into between His Majesty and the United States of America on the 24th day of February, 1925, and the Lac Seul Conservation Act, 1928, being chapter thirty-two of eighteen and nineteen George the Fifth, the annual payments hereunder being so calculated as to amortise the expenditures aforesaid in a period of fifty years from the date of the coming into force of this agreement and the interest payable to be at the rate of five per cent. per annum.

9. Canada agrees that the provision contained in section four of the Dominion Water Power Act, being chapter two hundred and ten of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to such undertakings within the Province;

nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the British North America Act, 1867.

Fisheries.

10. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

Indian Reserves.

11. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the Minister of Mines and Natural Resources of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.

12. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the Bed of Navigable Waters Act) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

13. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians

within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

Soldier Settlement Lands.

14. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

National Park.

15. The lands specified as included in the Riding Mountain Forest Reserve, as such reserve is described in the schedule to the Dominion Forest Reserves and Parks Act, being chapter seventy-eight of the Revised Statutes of Canada, 1927, as amended by eighteen and nineteen George the Fifth chapter twenty, shall be established as a national park, and the said lands, together with the mines and minerals (precious and base) in such area and the royalties incident thereto shall continue to be vested in and shall be administered by the Government of Canada for the purposes of a national park, but in the event of the Parliament of Canada at any time declaring that the said lands or any part thereof are no longer required for such purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

16. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of the said park, notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

Seed Grain, Etc., Liens.

17. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Minister of Mines and Natural Resources or such other Minister of the Province as may be designated in that behalf under the laws thereof.

General Reservation to Canada.

18. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (*a*) any lands for which Crown grants have been made and registered under the Real Property Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which this agreement comes into force, or (*b*) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

Historic Sites, Bird Sanctuaries, Etc.

19. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Minister of Mines and Natural Resources, or such other Minister of the Province as may be specified under the laws thereof.

Financial Terms.

20. In lieu of the provision made by section five of the statute two George the Fifth chapter thirty-two, above referred to, Canada will, from and after the date of the coming into force

of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows :—

The sum payable until the population of the said Province reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

21. If at the date of the coming into force of this agreement any payment has been made under the provisions of section five of the statute two George the Fifth chapter thirty-two, above referred to in respect of any half-year commencing before but terminating, after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.

22. In order to provide an adequate financial readjustment in favour of the Province for the period intervening between its entrance into Confederation in 1870 and the first day of July, 1908, before which date it received either no subsidy in lieu of public lands or a smaller subsidy than it should have received in order to put it on an equality with the other Provinces, Canada, forthwith after the coming into force of this agreement, will, in accordance with the report of the hereinbefore recited Commission, pay to the said Province the sum of four million, five hundred and eighty-four thousand, two hundred and twelve dollars and forty-nine cents with interest thereon at the rate of five per cent. per annum from the first day of July, 1929.

Records.

23. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

Amendment of Agreement.

24. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

When Agreement Comes Into Force.

25. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Manitoba, and shall take effect on the fifteenth day of July, 1930, if His Majesty has theretofore given His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same, and if He has not given such Assent before the said day, then on such date as may be agreed upon.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable John Bracken, Premier of Manitoba, and the Honourable Donald G. McKenzie, Minister of Mines and Natural Resources thereof, have hereunto set their hands on behalf of the Province of Manitoba.

Signed on behalf of the Government of Canada by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, in the presence of O. M. BIGGAR.	ERNEST LAPOINTE. CHAS. STEWART.
Signed on behalf of the Province of Manitoba by the Honourable John Bracken, Premier of the said Province, and the Honourable Donald G. McKenzie, Minister of Mines and Natural Resources thereof, in the presence of W. J. MAJOR.	JOHN BRACKEN. DONALD G. MCKENZIE.

SCHEDULE.

Agreement between Canada, Ontario and Manitoba.

Ottawa, November 15, 1922.

Memorandum of agreement arrived at regarding the control of the upper waters of the Winnipeg River.

Present :

Representing the Dominion Government :

Right Honourable Mackenzie King, Prime Minister ; Honourable Charles Stewart, Minister of the Interior ; Mr. W. W. Cory, Deputy Minister of the Interior.

In attendance :

Mr. W. J. Stewart and Mr. J. B. Challies, Consulting Engineers to the Department of External Affairs ; Mr. S. S. Scovil, Engineer of Lake of the Woods Control Board.

Representing the Province of Ontario :

Honourable E. C. Drury, Premier.

In attendance :

Mr. H. G. Acres and Mr. L. V. Rorke.

Representing the Province of Manitoba :

Honourable John Bracken, Premier.
Honourable R. W. Craig, Attorney-General ; also
Honourable T. H. Johnson, K.C., Counsel.

This agreement, as a working basis for the regulation of the English and Winnipeg rivers, is entered into on the understanding that all parties are agreeable to the repeal of the Lake of the Woods Regulation Act, 1920, but Ontario does not bind itself to the terms of this agreement in the event of that Act not being repealed.

The Government representatives agreed that the general advantage legislation could be rescinded on the following basis (Mr. Bracken undertaking to urge the acceptance thereof by the Manitoba power interests) :

1. *Control of Lake of the Woods :*

The recommendation of the Lake of the Woods Control Board that the Norman Dam be expropriated was agreed to in principle.

It was further understood that the Board should immediately investigate and report to the three governments concerned, whether—

(1) There is some alternative method of securing control by construction of a new structure above the present dam or otherwise;

(2) Failing such an alternative being found, under what procedure and whether under Federal or Provincial auspices should the dam be expropriated.

The cost of securing the results contemplated under either (1) or (2) above should be borne on the following basis:—

One-third of the total cost to be attributable to navigation and borne by the Federal Government;

The remaining two-thirds to be considered chargeable to power, to be borne in the first instance by the expropriating Government, but

(*a*) Ontario to be responsible for the share chargeable to the undeveloped power site at White Dog Falls;

(*b*) The Federal Government (as proprietors of the water powers on the Winnipeg river in Manitoba) to be responsible in the first instance for the amount chargeable to the remaining fall of the Winnipeg river in the Province of Manitoba; the Department of the Interior to recover cost of same from the present power developments on the river and from prospective power developments on such basis as that Department may consider advisable.

So far as the amount chargeable to power is concerned, the basis of settlement between the Dominion Government and the Province of Ontario should be that of the ratio of potential head in Ontario and Manitoba.

2. *Regulation under Concurrent Legislation:*

It was agreed that the Lake of the Woods Control Board should be instructed to immediately canvass the necessities of the situation and make appropriate recommendations to the Governments of Canada and Ontario with a view to having approved and authorized whatever operating regulations are considered necessary to make practically effective the existing concurrent legislation.

3. *Lac Seul:*

With regard to storage on Lac Seul, it is agreed that if the power interests in Manitoba or their administrative agency desire storage on Lac Seul, they shall immediately notify the Government of Ontario to this effect. In the event of such notification the Government of Ontario shall undertake not to permit the construction of any development which would later be destroyed, wholly or in part, by the creation of this storage, and shall agree to grant flooding rights, on Crown Lands affected, under the customary conditions, including recompense for timber destroyed, and the usual rental for water powers which may be wholly or partially destroyed incidental to the construction of the said works. Further, the power interests benefited shall be prepared, when required by the Government of Ontario, to pay the said Government an amount to be ascertained by the Control Board, sufficient to pay the difference between the cost of power feasible of development at Pelican Falls and the cost of a similar amount of power to be developed at some other possible site designated by the Government of Ontario and delivered at Sioux Lookout at a distribution voltage.

It is agreed that whatever storage scheme may be worked out covering Lac Seul shall be under the jurisdiction of the Lake of the Woods Control Board, the cost of the same to be borne by the power interests as and when benefited.

4. *International Questions :*

With regard to the international issues it was unanimously agreed that there was not sufficient data to enable a commitment at the present stage with regard to storage and regulation on Rainy and upper international lakes, and that in any case all the interests concerned, governmental, municipal, corporate and private, on both sides of the boundary, should be afforded the opportunity and the advantage of presenting their views, and of hearing the views of others presented, to the International Joint Commission.

It was further agreed that the basis for an international arrangement between the two countries arrived at by the technical advisers of the United States and Canada at Washington in December, should be adhered to, namely :—

(*a*) An immediate settlement by treaty of the Lake of the Woods issues ; and

(*b*) Concurrent with the ratification of such a treaty, an appropriate reference to the International Joint Commission respecting Rainy and upper lakes matters.

It was further agreed that once a reference of the upper lakes matter has been agreed to, the Canadian Governments, Dominion and Provincial, should facilitate in every possible way, a thorough investigation and an early report by the International Joint Commission, but that pending such a report, the Dominion Government could not make any commitment as to policy.

With regard to financial obligations arising under settlement of the Lake of the Woods issues it was agreed that the same should be borne by the respective Governments on the same basis as that set out above for the acquirement of the Norman Dam.

(Signed) E. C. Drury,
For the Government of Ontario.

(Signed) John Bracken,
For the Government of Manitoba.

(Signed) W. L. Mackenzie King,
For the Government of Canada.

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(2) ALBERTA.

Memorandum of Agreement.

Made this fourteenth day of December, 1929.

Between

The Government of the Dominion of Canada, represented herein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior,
Of the First Part,

and

The Government of the Province of Alberta, represented herein by the Honourable John Edward Brownlee, Premier of Alberta, and the Honourable George Hoadley, Minister of Agriculture and Health - - Of the Second Part.

Whereas by section twenty-one of the Alberta Act, being chapter three of four and five Edward the Seventh, it was provided that " All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the Province under the North-west Irrigation Act, 1898, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said Province with the substitution therein of the said Province for the North-west Territories " :

And whereas it is desirable that the Province should be placed in a position of equality with the other Provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905 :

And whereas it has been agreed between Canada and the said Province that the provisions of the Alberta Act should be modified as herein set out :

Now Therefore This Agreement Witnesseth :

Transfer of Public Lands Generally.

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall, from and after the coming into force of this agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals or royalties before th coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred or by any regulation made under any such Act, is

reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time and until otherwise directed, may be exercised by the Provincial Secretary of the Province.

4. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or Order in Council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the Dominion Lands Act and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the Dominion Lands Act or the said Agreement of the 23rd day of December, 1924.

School Lands Fund and School Lands.

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within

the Province or within that part of the Northwest Territories now included within the boundaries thereof.

7. The School Lands Fund to be transferred to the Province as aforesaid and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province.

Water.

8. Canada agrees that the provision contained in section four of the Dominion Water Power Act, being chapter two hundred and ten of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the Province; nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the British North America Act, 1867.

Fisheries.

9. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

Indian Reserves.

10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada

in the same way in all respect as if they had never passed to the Province under the provisions hereof.

11. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the Bed of Navigable Waters Act) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

Soldier Settlement Lands.

13. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

National Parks.

14. The parks mentioned in the Schedule hereto shall continue as national parks and the lands included therein, as the same are described in the Orders in Council in the said Schedule referred to (except such of the said lands as may be hereafter excluded therefrom), together with the mines and minerals (precious and base) in each of the said parks and the royalties incident thereto, shall continue to be vested in and administered by the Government of Canada as national parks, but in the event of the Parliament of Canada at any time declaring that the said lands or any part thereof are no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto,

specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

15. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said areas shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

16. The Government of Canada will introduce into the Parliament of Canada such legislation as may be necessary to exclude from the parks aforesaid certain areas forming part of certain of the said parks which have been delimited as including the lands now forming part thereof which are of substantial commercial value, the boundaries of the areas to be so excluded having been heretofore agreed upon by representatives of Canada and of the Province, and the Province agrees that upon the exclusion of the said areas as so agreed upon, it will not, by works outside the boundaries of any of the said parks, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said parks.

Seed Grain, Etc., Liens.

17. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other Minister

of the Province as may be designated in that behalf under the laws thereof.

General Reservation to Canada.

18. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (*a*) any lands for which Crown grants have been made and registered under the Land Titles Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which the agreement comes into force, or (*b*) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

Historic Sites, Bird Sanctuaries, Etc.

19. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof.

Financial Terms.

20. In lieu of the provision made by subsection one of section twenty of the Alberta Act, Canada will, from and after the date of the coming into force of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows :—

The sum payable until the population of the said Province reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

21. If at the date of the coming into force of this agreement any payment has been made under subsection one of section twenty of the Alberta Act in respect of any half-year commencing before but terminating after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.

22. It is agreed that the Honourable W. F. A. Turgeon, a Judge of the Court of Appeal of Saskatchewan, Charles M. Bowman, of the Town of Waterloo, in the Province of Ontario, Esquire, Chairman of the Board of Directors of the Mutual Life Assurance Company of Canada, and Fred E. Osborne, Esquire, Mayor of the City of Calgary, or, if any of the foregoing cannot act, then such other person or persons as may be agreed upon, will be appointed commissioners under Part One of the Inquiries Act to enquire and report whether any, and, if any, what consideration, in addition to the sums provided in paragraph twenty hereof, should be paid to the Province in order that the Province may be placed in a position of equality with the other Provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905, such commissioners to be empowered to decide what financial or other considerations are relevant to the enquiry, and the report to be submitted to the Parliament of Canada and to the Legislature of Alberta; and if by the said report, the payment of any additional consideration is recommended, then, upon agreement between the Governments of Canada and of the Province following the submission of such report, the said Governments will respectively introduce the legislation necessary to give effect to such agreement.

Records.

23. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

Amendment of Agreement.

24. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

When Agreement Comes into Force.

25. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable John Edward Brownlee, Premier of Alberta, and the Honourable George Hoadley, Minister of Agriculture and Health thereof, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, in the presence of O. M. Biggar.	Ernest Lapointe. Chas. Stewart.
Signed on behalf of the Province of Alberta by the Honourable John Edward Brownlee, Premier of the said Province, and the Honourable George Hoadley, Minister of Agriculture and Health thereof, in the presence of J. F. Lymburn.	J. E. Brownlee. Geo. Hoadley.

SCHEDULE.

Parks.

Buffalo	P.C. 463, 7th March, 1908.
	P.C. 1306, 5th June, 1909.
	P.C. 646, 27th March, 1913.
	P.C. 2842, 26th November, 1920.
	P.C. 498, 31st March, 1924.
	P.C. 408, 19th March, 1925.
Elk Island	P.C. 646, 27th March, 1913.
	P.C. 377, 20th February, 1922.
Jasper	P.C. 1323, 14th September, 1907.
	P.C. 1068, 18th May, 1909.
	P.C. 1338, 8th June, 1911.
	P.C. 1165, 24th June, 1914.
	P.C. 637, 7th April, 1927.
	P.C. 158, 6th February, 1929.
	P.C. 159, 6th February, 1929.
Nemiskam	P.C. 1134, 31st May, 1922.
Rocky Mountains	P.C. 2197, 25th November, 1885.
	P.C. 1891, 23rd July, 1892.
	P.C. 1338, 8th June, 1911.
	P.C. 2594, 18th September, 1917.
	P.C. 158, 6th February, 1929.
Wawaskesy	P.C. 1134, 31st May, 1922.
Waterton Lakes	P.C. 1621, 30th May, 1895.
	P.C. 1338, 8th June, 1911.
	P.C. 1165, 24th June, 1914.
	P.C. 1298, 20th April, 1921.
	P.C. 2556, 20th July, 1921.
Wood Buffalo Reserve	P.C. 2498, 18th December, 1922.
	P.C. 408, 14th March, 1925.
	P.C. 634, 30th April, 1926.
	P.C. 1444, 24th September, 1926.

(3) SASKATCHEWAN.

Memorandum of Agreement.

Made this 20th day of March, 1930.

Between

The Government of the Dominion of Canada, represented herein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior,
Of the First Part,

and

The Government of the Province of Saskatchewan, represented herein by the Honourable James Thomas Milton Anderson, Premier and Minister of Education of the Province, and the Honourable Murdoch Alexander MacPherson, Attorney-General - - - - - Of the Second Part.

Whereas by section twenty-one of the Saskatchewan Act, being chapter forty-two of the four and five Edward the Seventh, it was provided that " All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the Province under the North-West Irrigation Act, 1898, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said Province with the substitution therein of the said Province for the North-West Territories " :

And whereas the Government of Canada desires that the Province should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entry into Confederation in 1905 :

And whereas the Government of the Province contends that, before the Province was constituted and entered into Confederation as aforesaid, the Parliament of Canada was not competent to enact that the natural resources within the area now included within the boundaries of the Province should vest in the Crown and be administered by the Government of Canada for the purposes of Canada and was not entitled to administer the said natural resources otherwise than for the benefit of the residents within the said area, and moreover that the Province is entitled to be and should be placed in a position of equality with the other Provinces of Confederation with respect to its natural resources as from the fifteenth day of July, 1870, when Rupert's Land

and the North-Western Territory were admitted into and became part of the Dominion of Canada:

And whereas it has been agreed between Canada and the said Province that the said section of the Saskatchewan Act should be modified and that provision should be made for the determination of the respective rights and obligations of Canada and the Province as herein set out:

Now therefore this Agreement Witnesseth:

Transfer of Public Lands Generally.

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall from and after the coming into force of this agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals, or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada

relating to any of the lands, mines, minerals or royalties hereby transferred, or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time, and until otherwise directed, may be exercised by the Provincial Secretary of the Province.

4. The Province will perform every obligation of Canada, arising by virtue of the provisions of any statute or Order in Council or regulation in respect of the public lands to be administered by it hereunder, to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the Dominion Lands Act and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the Dominion Lands Act or the said Agreement of the 23rd day of December, 1924.

School Lands Fund and School Lands.

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes,

which is derived from the disposition of any school lands within the Province or within that part of the Northwest Territories now included within the boundaries thereof.

7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province.

Water.

8. Canada agrees that the provision contained in section four of the Dominion Water Power Act, being chapter two hundred and ten of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the Province; nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the British North America Act, 1867.

Fisheries.

9. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

Indian Reserves.

10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada

to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.

11. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the Bed of Navigable Waters Act) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

Soldier Settlement Lands.

13. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

National Parks.

14. The Prince Albert National Park shall continue as a national park and the lands included therein as the same are described in Orders made by the Governor in Council on the twenty-fourth day of March, 1927 (P.C. 524), the eighteenth day of October, 1928 (P.C. 1846), and the sixth day of February, 1929 (P.C. 162), together with the mines and minerals (precious and base) in the said park and the royalties incident thereto,

shall continue to be vested in and administered by the Government of Canada as a national park, but in the event of the Parliament of Canada at any time declaring that the said land or any part thereof is no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

15. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of the said park, notwithstanding that portions of the said area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

16. The Province will not, by works outside the boundaries of the said park, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said park.

17. In the event of its being hereafter agreed by Canada and the Province that any area or areas of land in the Province, in addition to that hereinbefore specified, should be set aside as national parks and be administered by Canada, the foregoing provisions of this agreement on the subject of parks may be applied to such area or areas with such modification as may be agreed upon.

Seed Grain, Etc., Liens.

18. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province

will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be designated in that behalf under the laws thereof.

General Reservation to Canada.

19. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (*a*) any lands for which Crown grants have been made and registered under the Land Titles Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become, the registered owner at the date upon which this agreement comes into force, or (*b*) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

Historic Sites, Bird Sanctuaries, Etc.

20. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof.

Financial Terms.

21. In lieu of the provision made by subsection one of section twenty of the Saskatchewan Act, Canada will, from and after the date of the coming into force of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows:—

The sum payable until such population reaches one million two hundred thousand shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

22. If at the date of the coming into force of this agreement any payment has been made under subsection one of section twenty of the Saskatchewan Act in respect of any half-year

commencing before but terminating after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions thereof.

23. Provision will be made pursuant to section fifty-five of the Supreme Court Act, being chapter thirty-five of the Revised Statutes of Canada, 1927, to submit for the consideration of the Supreme Court of Canada questions agreed upon between the parties hereto as being appropriate to obtain the judgment of the said Court, subject to appeal to His Majesty in Council in accordance with the usual practice, as to the rights of Canada and the Province respectively, before the first day of September, 1905, in or to the lands, mines or minerals (precious or base), now lying within the boundaries of the Province, and as to any alienation by Canada before the said date of any of the said lands, mines or minerals or royalties incident thereto.

24. As soon as final answers to the questions submitted under the last preceding paragraph have been given, the Government of Canada will appoint three persons to be agreed upon to be Commissioners under Part I of the Inquiries Act, to inquire and report whether any, and if any, what consideration, in addition to the sums provided in paragraph twenty-one hereof, shall be paid to the Province in order that the Province may be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources either as from the first day of September, 1905, or as from such earlier date, if any, as may appear to be proper, having regard to the answers to the questions submitted as aforesaid; such commissioners to be empowered to decide what financial or other considerations are relevant to the inquiry and the report to be submitted to the Parliament of Canada and to the Legislature of Saskatchewan; if by the said report, the payment of any additional consideration is recommended, then, upon agreement between the Governments of Canada and of the Province following the submission of such report, the said Governments will respectively introduce the legislation necessary to give effect to such agreement.

Records.

25. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

Amendment of Agreement.

26. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

Reservation of Rights.

27. This agreement is signed on behalf of the Province with the reservation on its part that neither the execution thereof nor any statute confirming the same shall affect or prejudice any right the Province may now have to call into question the legislative competence of the Parliament of Canada to enact certain sections of the Saskatchewan Act and the Dominion Lands Acts.

When Agreement Comes into Force.

28. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Saskatchewan, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable James Thomas Milton Anderson, Premier and Minister of Education of the Province, and the Honourable Murdoch Alexander MacPherson, Attorney-General thereof, have hereunto set their hands on behalf of the Province of Saskatchewan.

Signed on behalf of the Government of Canada by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, in the presence of

O. M. Biggar.

Ernest Lapointe.

Chas. Stewart.

Signed on behalf of the Province of Saskatchewan by the Honourable James Thomas Milton Anderson, Premier and Minister of Education, and the Honourable Murdoch Alexander MacPherson, Attorney-General, in the presence of

Jas. F. Bryant.
R. Stipe.

J. T. M. Anderson.

M. A. MacPherson.

(4) BRITISH COLUMBIA.

Memorandum of Agreement.

Made this twentieth day of February, 1930.

Between

The Government of the Dominion of Canada, represented herein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior,
Of the First Part,

and

The Government of the Province of British Columbia, represented herein by the Honourable Simon Fraser Tolmie, Premier and Minister of Railways of the said Province, and the Honourable Frederick Parker Burden, Minister of Lands thereof - - - - - - Of the Second Part.

Whereas pursuant to paragraph eleven of the Terms of Union between the Dominion of Canada and the then Colony of British Columbia and to certain statutes of the Legislature of the Province of British Columbia, being chapter eleven of the statutes of the year eighteen hundred and eighty, chapter fourteen of the statutes of the year eighteen hundred and eighty-three, and chapter fourteen of the statutes of the year eighteen hundred and eighty-four, there were granted by the Province to Canada certain Crown lands in the Province by way of consideration for Canada's undertaking to secure the construction of a railway to connect the seaboard of the Province with the railway system of Canada and of Canada's paying to the Province from the date of the Union an annual sum of one hundred thousand dollars, the said Crown lands being defined in the statutes aforesaid and having become known as the Railway Belt and the Peace River Block;

And whereas a railway such as is described in paragraph eleven of the Terms of Union has been duly constructed and is in operation, and the Province has requested the re-transfer to it of such of the lands in the said Railway Belt and Peace River Block as remain unalienated;

And whereas the Honourable W. M. Martin, one of the Judges of the Court of Appeal for the Province of Saskatchewan, having by Order in Council dated the eighth day of March, 1927 (P.C. 422) been appointed a commissioner under Part One of the Inquiries Act to receive and inquire into the arguments of the Government of the Province of British Columbia in support of its claim for the reconveyance of the said lands to the Province, submitted his report as such commissioner in which he expressed the opinion that the Province could not by reason of its own agreements and statutes advance any legal claim, but that its request should be considered from the standpoint of fairness and justice rather than from the strictly legal and contractual position, and in which he recommended that the said lands should be restored;

And whereas Canada has agreed accordingly to re-transfer the said lands to the Province on the terms hereinafter set out:

Now This Agreement Witnesseth that the parties have agreed as follows:

Transfer of Railway Belt and Peace River Block Generally.

1. Subject as hereinafter provided, all and every interest of Canada in the lands granted by the Province to Canada as hereinbefore recited are hereby re-transferred by Canada to the Province and shall, from and after the date of the coming into force of this agreement, be subject to the laws of the Province then in force relating to the administration of Crown lands therein.

2. Any payment received by Canada before the coming into force of this agreement in respect of any interest in the said lands shall continue to belong to Canada, whether paid in advance or otherwise, without any obligation on the part of Canada to account to the Province therefor, and the Province shall be entitled to receive and retain any such payment made after the coming into force of this agreement without accounting to Canada therefor.

3. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any interest in any of the lands hereby transferred and every other arrangement whereby any person has become entitled to any interest therein as against Canada, and will perform every obligation of Canada arising by virtue of the provisions of any statute or order in council or regulation affecting the said lands hereby transferred to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise, or to any railway company for grants of land for right of way, roadbed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

4. Any power or right which, by any agreement or other arrangement relating to any interest in the lands hereby transferred or by any Act of the Parliament of Canada relating to the said lands, or by any regulation made under any such Act, is reserved to the Governor in Council, or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by the Lieutenant-Governor of the Province in council or by such officer of the Government of the Province as

is authorized to exercise similar powers or rights under the laws of the Province relating to the administration of Crown lands therein.

5. The application to the lands hereby transferred of the laws of the Province relating to the administration of Crown lands therein, as hereinbefore provided, shall not be deemed to affect the terms of any alienation by Canada of any interest in the said lands or of any agreement made by Canada for such alienation, or the rights to which any person may have become entitled as aforesaid.

Ordnance and Admiralty Lands.

6. Nothing in this agreement shall be interpreted as affecting or transferring to the Province any ordnance or admiralty lands included in the Railway Belt which have been or are hereafter transferred or surrendered to Canada by the Government of the United Kingdom of Great Britain and Ireland or of the United Kingdom of Great Britain and Northern Ireland.

7. All ordnance and admiralty lands which were set aside as such before the sixteenth day of May, eighteen hundred and seventy-one, and which have been or are hereafter transferred or surrendered to Canada as aforesaid, whether the same lie within or without the said Railway Belt, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada, provided, however, that Canada shall recognize and confirm any alienation of any part of the said lands heretofore made by the Province and shall perform and execute every obligation of the Province which has arisen with respect to any part of the said lands by virtue of any agreement made by the Province in respect thereof, or by virtue of any Act of the Legislature of the Province or of any Order in Council or regulation made under the authority of any such Act.

8. The location and boundaries of the several parcels of ordnance and admiralty lands aforesaid shall be referred for determination to two persons, one of whom shall be appointed by the Governor General in Council, and one by the Lieutenant-Governor in Council, and in the event of a disagreement between the said two persons, an umpire shall be selected by agreement between the Minister of Justice for Canada and the Attorney-General of British Columbia.

Public Works.

9. Notwithstanding anything in the foregoing paragraphs of this agreement, Canada shall retain the wharves and wharf sites situate within the Railway Belt and specified in Schedule One to this agreement, together with the lands adjacent thereto which

are required for the convenient use of any such wharf or wharf site; the boundaries of the parcels of land reserved to Canada under this clause shall be ascertained and defined by agreement between Canada and the Province as soon as convenient.

10. Forthwith upon any of the said parcels of land ceasing to be required for use as a wharf site, such parcel shall revert to and become the property of the Province.

Harbours.

11. Nothing in the foregoing paragraphs of this agreement shall extend to the foreshores or beds of harbours heretofore established within the Railway Belt, but the said foreshores and beds shall continue to be vested in Canada, and there shall in addition be reserved and retained by Canada the foreshores and beds of the Fraser River and the Pitt River lying above the eastern boundaries of New Westminster Harbour and below lines to be ascertained and defined by agreement at the junction of Kanaka Creek with the Fraser River and at the point of the exit of the Pitt River from Pitt Lake.

Sumas Dyking Lands.

12. The Province will grant and assure to the Canadian Pacific Railway Company the lands occupied or required by it for the purpose of the construction and operation of its railway in that part of the Railway Belt hereinbefore referred to which is known as the Sumas Dyking Lands, in such manner that the said Company may obtain a registered title to the said lands in fee simple free from encumbrance.

Indian Reserves.

13. Nothing in this agreement shall extend to the lands included within Indian reserves in the Railway Belt and the Peace River Block, but the said reserves shall continue to be vested in Canada in trust for the Indians on the terms and conditions set out in a certain order of the Governor General of Canada in Council approved on the 3rd day of February, 1930 (P.C. 208).

Parks.

14. Nothing in the foregoing clauses of this agreement shall be construed as re-transferring to the Province any interests of Canada in any of the lands forming part of the Railway Belt which are included within any of the national parks described in Schedule Two to this agreement.

15. In order that the said national parks may be administered by Canada as such, all the rights of the Crown in all the lands,

mines and minerals (precious and base) and the royalties incident thereto within any of the said parks are hereby vested in Canada, so far as they are not already so vested.

16. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks, notwithstanding that portions of any such area may not form part of the park proper, and the laws now in force within such areas shall continue so in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said areas or any of them by or under the authority of the Parliament of Canada, shall extend to and be enforced within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

17. On the termination by effluxion of time or surrender or otherwise, of any interest in any lands included within any of the said areas which is outstanding in any person at the date of the coming into force of this agreement, the lands in which such interest existed shall vest in and shall thereafter be administered by Canada as part of the national park within the outer boundaries of which such lands lie.

18. All rights of the Crown in any waters within the said parks shall be vested in and administered by Canada, and the Province will not by works outside any such park reduce the flow of water in any of the rivers or streams within the said park to less than the flow which the Minister of the Interior may deem necessary adequately to preserve the scenic beauty of the said park.

19. In the event of the Parliament of Canada at any time declaring that any of the said areas or any part of any of them are no longer required for national park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto specified in any such declaration shall forthwith upon the making thereof belong to the Province and the provisions of paragraphs one to five of this agreement shall apply thereto as from the date of such declaration.

20. In the event of its being hereafter agreed by Canada and the Province that any area or areas of land in the Province, in addition to those specified in Schedule Two to this agreement, should be set aside as national parks and be administered by Canada, the foregoing provisions of this agreement on the subject of parks may be applied to such area or areas with such modification as may be agreed upon.

Soldiers' Settlement Lands.

21. Nothing in this agreement shall have the effect of transferring to the Province the interest of Canada in any part of the said lands upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, until after the provisions of the said Act have ceased to apply to or affect the said lands.

Historic Sites and Bird Sanctuaries.

22. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries which have been already established by Canada in the Railway Belt or Peace River Block, and will set aside such additional bird sanctuaries as may hereafter be established by agreement between the Minister of the Interior and the Attorney-General or such other Minister of the Province as may be specified under the laws thereof.

General Reservation to Canada.

23. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (*a*) any lands for which Crown grants have been made and registered under the Land Registry Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become, the registered owner at the date upon which this agreement comes into force, or (*b*) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

Subsidy Continued.

24. Notwithstanding the re-transfer of the hereinbefore recited lands, Canada will continue to pay annually to the Province, by half-yearly payments on the first days of January and July in each year, the sum of one hundred thousand dollars, as provided in paragraph eleven of the Terms of Union aforesaid.

Records.

25. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to any dealings with any of the lands hereby re-transferred to the Province and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the lands hereby transferred.

Amendment of Agreement.

26. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

When Agreement Comes into Force.

27. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of British Columbia, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable Simon Fraser Tolmie, Premier and Minister of Railways of the said Province, and the Honourable Frederick Parker Burden, Minister of Lands thereof, have hereunto set their hands on behalf of the Province of British Columbia.

Signed on behalf of the Government of Canada by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, in the presence of	Ernest Lapointe. Chas. Stewart.

O. M. Biggar.

Signed on the behalf of the Government of British Columbia by the Honourable Simon Fraser Tolmie, Premier and Minister of Railways thereof, and the Honourable Frederick Parker Burden, Minister of Lands thereof.	S. F. Tolmie. F. P. Burden.

R. H. Pooley,
Attorney-General.

N. S. Lougheed,
Minister of Lands.

H. Cathcart,
Deputy Minister of Lands.

Oscar C. Bass,
Deputy Attorney-General.

SCHEDULE ONE.

Wharf Locations.

Brownsville.
Coquitlam.
Port Coquitlam.
Minnekahda.
Harris Road.
Hammond.
Port Moody.
Ioco.
Haney.
Albion.
Whonnock.
Ruskin.
Donatella.
Barnston Island.
Port Kells.
Gordon Road.
McAdams.
Langley.
McIvers.
McKays.
Glen Valley.
Marsh's.
Mount Lehman.
Matsqui.
Riverside.
Mission.
Hatzic.
Dewdney.
Murphy's Landing.
Magars Landing.
Sumas.
Chilliwack Upper Landing.
Minto Landing.
Anglemont.
Blind Bay.
Canoe.
Celista.
Chase.
Eagle Bay.
Wanlock.
Glenedon.
Magna Bay.
Sicamous.
Salmon Arm.
Seymour Arm.
Sorrento.
Scotch Creek.
Pritchard.

S. F. T.
F. P. B.

E. L.
C. S.

SCHEDULE TWO.

National Parks.

1. Mount Revelstoke National Park, with the boundaries defined by the Proclamations based upon Orders in Council dated 28th April, 1914 (P.C. 1125); 5th May, 1920 (P.C. 985); 18th August, 1927 (P.C. 1645).

2. Glacier National Park, with the boundaries defined by the Proclamations based upon Orders in Council dated 8th June, 1911 (P.C. 1338); 12th August, 1911 (P.C. 1781); 11th February, 1930 (P.C. 134).

3. Yoho National Park, with the boundaries defined by the Proclamations based upon Orders in Council dated 8th June, 1911 (P.C. 1338); 21st April, 1920 (P.C. 828); 11th February, 1930 (P.C. 134).

4. Kootenay National Park as shown on a map certified by the Surveyor General of Canada on 1st February, 1928, and on file in the office of the Surveyor General, a copy thereof having been filed in the Department of Lands of the Province under number 7T 312.

S. F. T. E. L.
F. P. B. C. S.

CHAPTER 27.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-one, and to appropriate the Supplies granted in this Session of Parliament. [1st August 1930.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-one, the sum of two hundred and eighty-four million eight hundred and seventy-seven thousand seven hundred and sixty-one pounds.

Issue of £284,877,761 out of the Consolidated Fund.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and eighty-four million eight hundred and seventy-seven thousand seven hundred and sixty-one pounds.

Power for the Treasury to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-one, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Appropriation of Grants.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of four hundred and ninety-three million four hundred and eighty-two thousand three hundred and ninety-eight pounds thirteen shillings and nine pence are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

54 & 55 Vict. c. 24.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services, army services and air services respectively be not exceeded.

4.—(1) So long as the aggregate expenditure on naval, military and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval, military and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy, army and air expenditure for 1928 unprovided for.
18 & 19 Geo. 5. c. 18.
19 & 20 Geo. 5. c. 22.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1928 and 1929, surpluses arising on certain votes for the navy, army and air services respectively have been applied as shown in the account set out in Schedule (C) to this Act:

It is enacted that the application of those surpluses as shown in the said account is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant:

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if such a declaration has been subscribed within a period of seven calendar months preceding the date of the payment.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

7. This Act may be cited for all purposes as the Appropriation Act, 1930.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

Section 3.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund -	493,482,398	13	9

Section 3.

SCHEDULE (B.)—Appropriations of Grants.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1928 and 1929.						
Part 1. Civil and Revenue Departments Excess, 1928 - -	£ 401,855	s. 13	d. 9	£ —	s.	d.
,, 2. Army (Supplementary), 1929	560,000	0	0	*—637,000	0	0
,, 3. Air Services (Supplementary), 1929 -	760,000	0	0	*—392,000	0	0
,, 4. Civil (Supplementary), 1929	12,551,832	0	0	344,861	0	0
£	14,273,687	13	9	*—684,139	0	0
1930.						
Part 5. Navy - -	51,947,200	0	0	4,551,139	0	0
,, 6. Army - -	40,500,000	0	0	7,038,000	0	0
Army (Ordnance Factories) -	100	0	0	2,641,700	0	0
,, 7. Air Services -	17,850,000	0	0	3,073,800	0	0
£	110,297,300	0	0	17,304,639	0	0

* Deficit.

SCHEDULE (B.)—Appropriations of Grants—*cont.*

Sched. (B.) Appropriations of Grants.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	*s.*	*d.*	£	*s.*	*d.*
Part 8. Civil, Class I. -	2,072,966	0	0	3,210,700	0	0
,, 9. Civil, Class II. -	5,999,144	0	0	833,108	0	0
,, 10. Civil, Class III. -	15,896,480	0	0	2,422,785	0	0
,, 11. Civil, Class IV. -	55,138,018	0	0	6,018,502	0	0
,, 12. Civil, Class V. -	97,495,801	0	0	7,332,663	0	0
,, 13. Civil, Class VI. -	12,319,934	0	0	3,097,238	0	0
,, 14. Civil, Class VII.-	8,486,162	0	0	1,336,510	0	0
,, 15. Civil, Class VIII.	54,244,041	0	0	1,247,582	0	0
,, 16. Civil, Class IX. -	141,853	0	0	677,450	0	0
,, 17. Civil, Class X. -	44,707,362	0	0	5,223,638	0	0
Total, Civil £	296,501,761	0	0	31,400,176	0	0
Part 18. Revenue Departments, &c. -	72,409,650	0	0	2,995,661	0	0
Grand Total £	493,482,398	13	9	51,016,337	0	0

SCHEDULE (A.)

Sched. (A.)

Grants out of the Consolidated Fund.

	£	*s.*	*d.*
For the service of the year ended on the 31st day of March 1929— Under Act 20 Geo. 5. c. 18 - -	401,855	13	9
For the service of the year ending on the 31st day of March 1930— Under Act 20 Geo. 5. c. 11 - -	5,416,670	0	0
For the service of the year ending on the 31st day of March 1930— Under Act 20 Geo. 5. c. 14 - -	5,410,250	0	0
For the service of the year ending on the 31st day of March 1930— Under Act 20 Geo. 5. c. 18 - -	3,044,912	0	0
For the service of the year ending on the 31st day of March 1931— Under Act 20 Geo. 5. c. 18 - -	194,330,950	0	0
Under this Act - - - - -	284,877,761	0	0
Total - - - - -	£493,482,398	13	9

Sched. (B.) Part 1. Civil and Revenue Departments Excesses, 1928.

SCHEDULE (B.)—Part 1.

Civil and Revenue Departments Excesses, 1928.

Sums granted to make good Excesses on certain Grants for Civil and Revenue Departments for the Year ended 31st March 1929.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CLASS VIII.	£ s. d.	£ s. d.
Royal Irish Constabulary Pensions, &c. - - -	3,181 6 8	—
REVENUE DEPARTMENTS.		
Inland Revenue - - -	398,674 7 1	—
£	401,855 13 9	—

Sched. (B.) Part 2. Army (Supplementary), 1929.

SCHEDULE (B.)—Part 2.

Army (Supplementary), 1929.

Sum granted to meet the excess cost involved in the employment of extra troops in China, not provided for in the Army Estimates for the year ending on the 31st day of March 1930, and the loss of Army receipts involved in the withdrawal of the Army of Occupation on the Rhine.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote 1.—Pay, &c. of the Army - -	573,000	*—560,000
„ 3.—Medical Services - - -	31,000	—
„ 5.—Quartering and Movements -	Cr.5,000	*—77,000
Carried forward - £	599,000	*—637,000

* Deficit.

SCHEDULE (B.)—Part 2—*continued.*

Sched. (B.) Part 2. Army (Supplementary) 1929.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	599,000	*—637,000
Vote 6.—Supplies, Road Transport and Remounts - - -	29,000	—
„ 9.—Warlike Stores - - -	Cr.80,000	—
„ 11.—Miscellaneous Services - -	4,000	—
„ 12.—War Office - - - -	8,000	—
	560,000	*—637,000

* Deficit.

SCHEDULE (B.)—Part 3.

Sched. (B.) Part 3. Air Services (Supplementary), 1929.

Air Services (Supplementary) 1929.

Sum granted to meet Expenditure not provided for in the grant for Air Services for the year ending on the 31st day of March 1930.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote 1.—Pay, &c., of the Air Force -	266,000	*—243,000
Vote 3.—Technical and Warlike Stores (including experimental and research services) - - -	369,000	*—215,000
Vote 4.—Works, Buildings and Lands -	164,000	59,000
Vote 8.—Civil Aviation - - - -	Cr. 39,000	7,000
	760,000	*—392,000

* Deficit.

SCHED. (B.) PART 4. Civil (Supplementary), 1929.

SCHEDULE (B.)—PART 4.

CIVIL (SUPPLEMENTARY), 1929.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1930, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL.		
CLASS I.	£	£
For the Salaries and Expenses of the Office of the Lord Privy Seal - - -	10,250	—
For a Grant in Aid of the Government Hospitality Fund - - - -	9,000	—
CLASS II.		
For the Salaries and Expenses of the Department of His Majesty's Secretary of State for Foreign Affairs - -	10	2,000
For sundry Dominion Services, including certain Grants in Aid, for certain ex gratia Grants, and for expenditure in connection with Ex-Service Men in the Irish Free State, and for a Grant in Aid to the Irish Free State in respect of Compensation to Transferred Officers -	752,100	—
For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies - - -	4,250	—
For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid - - - - - -	140,000	—
Carried forward - - £	915,610	2,000

SCHEDULE (B.)—Part 4—*continued.*

Sched. (B.)
Part 4.
Civil
(Supplementary),
1929.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	915,610	2,000
Class III.		
For the Salaries of the Law Officers Department; the Salaries and Expenses of the Departments of His Majesty's Procurator-General and of the Solicitor for the Affairs of His Majesty's Treasury, and of the Department of the Director of Public Prosecutions; the Costs of Prosecutions, of other Legal Proceedings, and of Parliamentary Agency - - -	5,500	8,000
For certain Miscellaneous Legal Expenses, for the Salaries and Expenses of Arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for a Grant in Aid of the Expenses of the Law Society - - - - -	4,700	*—400
Class IV.		
For the Salaries and Expenses of the National Gallery and of the National Gallery of British Art, Millbank, including a Grant in Aid for the Purchase of Pictures - - - -	106,000	—
Carried forward - - £	1,031,810	9,600

* Deficit.

Sched. (B.)
Part 4.
Civil
(Supplementary),
1929.

SCHEDULE (B.)—Part 4—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	1,031,810	9,600
Class V.		
For the Salaries and Expenses of the Department of the Registrar-General of Births, &c. - - - -	2,960	1,500
For the salaries and expenses of the Ministry of Labour and subordinate departments, including the Exchequer contribution to the Unemployment Fund, grants to associations, local education authorities and others under the Unemployment Insurance, Labour Exchanges and other Acts; expenses of the Industrial Court; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of training and transference of workpeople and their families within Great Britain and oversea; and sundry services, including services arising out of the war - -	7,650,000	250,000
For the Salaries and Expenses of the Department of Health for Scotland; including Grants and other Expenses in connection with Housing, Grants to Local Authorities, &c., in connection with Public Health Services, Grant in Aid of the Highlands and Islands Medical Service, Grants in Aid of Benefits and Expenses of Administration under the National Health Insurance Acts; certain Expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, and certain special services	10,650	—
Carried forward - - £	8,695,420	261,100

SCHEDULE (B.)—Part 4—*continued.*

Sched. (B.)
Part 4.
Civil
(Supplementary),
1929.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	8,695,420	261,100
Class VI.		
For the salaries and expenses of the Department of Overseas Trade, including Grants in Aid of the Imperial Institute and the Travel Association of Great Britain - - - -	9,850	—
For the Salaries and Expenses of the Mines Department of the Board of Trade - - - - - -	10	1,311
For a Subsidy on Sugar and Molasses manufactured from Beet grown in Great Britain - - - - -	1,250,000	—
For a Grant in Aid of the Forestry Fund	100,000	—
For the Salaries and Expenses of the Ministry of Transport, under the Ministry of Transport, Act 1919; Expenses of the Railway Rates Tribunal under the Railways Act, 1921; Expenses under the London Traffic Act, 1924; Expenses in respect of Advances under the Light Railways Act, 1896; Expenses of maintaining Holyhead Harbour; Advances to meet deficit in Ramsgate Harbour Fund; Advances to Caledonian and Crinan Canals; and for Expenditure in connection with the Severn Barrage and other Investigations - - -	16,392	12,760
For the Salaries and Expenses of the Fishery Board for Scotland, including Expenses of Marine Superintendence, and Grant in Aid of Piers or Quays; also for Loans to Herring Fishermen	3,050	13,600
Carried forward - - £	10,074,722	288,771

Sched. (B.)
Part 4.
Civil
(Supplementary),
1929.

SCHEDULE (B.)—Part 4—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	10,074,722	288,771
Class VII.		
For Expenditure in respect of Miscellaneous Legal Buildings, including the whole additional cost of a new Sheriff Court House at Edinburgh - -	10	—
For expenditure in respect of Public Buildings Overseas - - - -	10	—
For expenditure in respect of royal parks and pleasure gardens - - - -	27,090	5,090
Class VIII.		
For the Expenses of Pensions, Compensation Allowances and Gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including Annuities to the National Debt Commissioners in respect of Commutation of Compensation Allowances and certain extra-Statutory Payments -	5,000	—
For Superannuation, Compensation, Compassionate and Additional Allowances and Gratuities under sundry Statutes, including the Superannuation (Diplomatic Service) Act, 1929; Compassionate Allowances, Gratuities and Supplementary Pensions awarded by the Treasury; and, under the Government of Ireland Act, 1920, by the Civil Service Committee - - -	20,000	—
Carried forward - £	10,126,832	293,861

SCHEDULE (B.)—Part 4—*continued.*

Sched. (B.)
Part 4.
Civil
(Supplementary),
1929.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	10,126,832	293,861
Class IX.		
For a Grant in Aid of the National Radium Trust - - - - -	100,000	—
Class X.		
For a Grant in Aid to Rating Authorities in Scotland, in excess of the amount to be paid from the Rating Relief Suspense Account, in respect of Loss of Rates during the year 16th May 1929, to 15th May 1930, in pursuance of section 75 of the Local Government (Scotland) Act, 1929 -	1,200,000	—
For a Grant in Aid of the Railway Freight Rebates (Anticipation) Fund -	100,000	—
Revenue Departments.		
For the salaries and expenses of the Inland Revenue Department - -	30,000	—
For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - - -	995,000	51,000
£	12,551,832	344,861

Sched. (B.)
Part 5.
Navy.

SCHEDULE (B.)—Part 5.

NAVY.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Navy Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For wages, &c., to 97,550 officers, seamen, and boys, and royal marines; and civilians employed on fleet services - - - -	13,990,000	59,102
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - -	3,679,000	738,700
3. For medical services, including the cost of medical establishments at home and abroad - - -	403,200	65,010
4. For the fleet air arm - - -	1,267,000	—
5. For educational services - - -	231,200	76,679
6. For scientific services - - -	480,800	80,410
7. For the royal naval reserve, the royal fleet reserve, and the royal naval volunteer reserve, &c. -	392,000	297
8. Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad (including a supplementary sum of £71,500) -	6,280,500	474,429
„ Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad (including a supplementary sum of £40,900) - - - - - -	4,168,200	1,751,200
„ Sect. 3. For contract work for shipbuilding, repairs, &c. (including a supplementary sum of £79,800) -	5,013,800	83,180
Carried forward - - £	35,905,700	3,329,007

SCHEDULE (B.)—Part 5—*continued.*

Sched. (B.)
Part 5.
Navy.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	35,905,700	3,329,007
No. 9. For naval armaments (including a supplementary sum of £16,000) -	3,382,800	524,673
10. For works buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants, and other charges connected therewith - - -	2,073,950	547,400
11. For various miscellaneous effective services - - - - -	706,850	79,850
12. For the Admiralty Office - -	1,208,500	16,340
13. For non-effective services (naval and marine)—officers - - -	3,120,000	18,204
14. For non-effective services (naval and marine)—men - - - -	4,567,200	33,100
15. For civil superannuation, compensation allowances and gratuities -	982,200	2,565
Total, Navy Services £	51,947,200	4,551,139

Sched. (B.)
Part 6.
Army.

SCHEDULE (B.)—Part 6.

ARMY.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on 31st day of March 1931; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the pay, &c., of His Majesty's Army (to a number not exceeding 148,900) at home and abroad (exclusive of His Majesty's Indian Possessions other than Aden) -	9,500,000	2,896,000
2. For the Army Reserve, Supplementary Reserve, Territorial Army, Officers' Training Corps, and Colonial Militia, &c - - -	5,480,000	47,300
3. For medical services - - -	1,004,000	43,500
4. For educational establishments -	899,000	128,000
5. For quartering and movements -	1,411,000	809,000
6. For supplies, road transport, and remounts - - - -	4,793,000	373,000
7. For clothing - - - - -	1,233,000	99,000
8. For general stores - - - -	1,422,000	224,000
9. For warlike stores, including technical establishments - - - -	1,918,000	808,000
Carried forward - - £	27,660,000	5,427,800

SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.)
PART 6.
Army.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	27,660,000	5,427,800
10.	For works, buildings, and lands, including military and civilian staff and other charges in connection therewith - - - -	2,668,000	305,000
11.	For miscellaneous effective services -	910,000	201,000
12.	For the War Office - - -	879,000	8,000
13.	For rewards, half-pay, retired pay, widows' pensions, and other non-effective charges for officers -	3,794,000	569,100
14.	For the Royal Hospital, Chelsea, and Kilmainham hospital, out-pensions, rewards for distinguished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, and men, &c. - -	4,353,000	527,000
15.	For civil superannuation, compensation, additional allowances, gratuities, injury grants, &c. -	236,000	100
	TOTAL, ARMY SERVICES £	40,500,000	7,038,000
	ARMY (ORDNANCE FACTORIES).		
	For the ordnance factories, the cost of productions of which will be charged to the army, navy, air force and Indian, Dominion and Colonial Governments - - - - -	100	2,641,700
	TOTAL ARMY SERVICES (INCLUDING ORDNANCE FACTORIES) - - £	40,500,100	9,679,700

Sched. (B.)
Part 7.
Air.

SCHEDULE (B.)—Part 7.

AIR.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Air Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the pay, &c., of 32,000 of all ranks of the Air Force (exclusive of those serving in His Majesty's Indian Possessions, other than Aden) - - - - - -	3,731,000	718,000
2. For the quartering, stores (except technical), supplies, and transport	1,735,000	129,000
3. For technical and warlike stores (including experimental and research services) - - - -	7,596,000	1,900,000
4. For works, buildings, repairs, and lands, including civilian staff, and other charges connected therewith	1,720,000	203,000
5. For medical services - - -	298,000	20,000
6. For educational services - - -	493,000	9,000
7. For auxiliary and reserve forces -	591,000	300
8. For Civil Aviation - - -	500,000	47,000
9. For the meteorological and miscellaneous effective services - -	245,000	24,000
10. For the Air Ministry - - -	675,000	3,000
11. For rewards, half-pay, retired pay, widows' pensions, and other non-effective services - - -	266,000	20,500
Total Air Services - £	17,850,000	3,073,800

SCHEDULE (B.)—Part 8.

Sched. (B.)
Part 8.
Civil.
Class I.

CIVIL.—Class I.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the offices of the House of Lords -	52,841	8,300
2. For the salaries and expenses of the House of Commons - - -	357,162	18,500
3. For expenses under the Representation of the People Acts, 1918 to 1928 - - - - -	255,000	—
4. For the salaries and other expenses in the department of His Majesty's Treasury, and subordinate departments - - - - -	329,609	23,563
5. For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - -	9,209	6,000
6. For the salaries and expenses of the office of the Lord Privy Seal -	22,784	—
7. For the salaries and expenses of the Charity Commission for England and Wales - - - -	41,500	3,700
8. For the salaries and expenses of the Civil Service Commission - -	33,630	29,000
Carried forward - - £	1,101,735	89,063

Sched. (B.)
Part 8.
Civil.
Class I.

SCHEDULE (B.)—Part 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,101,735	89,063
No. 9. For the salaries and expenses of the department of the Comptroller and Auditor General - - -	150,550	8,752
10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - -	5,645	—
11. For the salaries and expenses of the department of the Government Actuary - - - - -	33,910	4,550
12. For the salaries and expenses of the Department of the Government Chemist - - - - -	69,808	890
13. For a grant-in-aid of the Government Hospitality Fund - -	36,000	—
14. For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - -	150,000	3,040,000
15. For the salaries and expenses of the National Debt Office - - -	5,128	24,300
16. For the salaries and expenses of the National Savings Committee -	84,450	—
17. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - -	39,322	700
Carried forward - £	1,676,548	3,168,255

SCHEDULE (B.)—Part 8—*continued.*

Sched. (B.)
Part 8.
Civil.
Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,676,548	3,168,255
No.		
18. For the salaries and expenses of the establishment under the Public Works Loan Commissioners -	10	25,485
19. For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland -	80,000	—
20. For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand and the expenses of surplus stores, &c., liquidation - - - -	50,000	790
21. For certain miscellaneous expenses, including certain grants-in-aid and bonus on certain statutory salaries (including a supplementary sum of £410) - - -	4,842	14,050
22. For His Majesty's foreign and other secret services - - - -	180,000	—
23. For the salaries and expenses of the Scottish office and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for transport services to the Western Highlands and Islands; and a grant in lieu of Land Tax - - - -	74,743	2,120
24. For repayment to the Civil Contingencies Fund of certain Miscellaneous advances - - - -	6,823	—
Total, Civil, Class I. - £	2,072,966	3,210,700

Sched. (B.)
Part 9.
Civil.
Class II.

SCHEDULE (B.)—Part 9.

CIVIL.—Class II.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - -	195,930	117,090
2. For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote, relief of refugees from the Near East, certain special grants, including a grant in aid, sundry services arising out of the War and a loan to the European Commission of the Danube - - -	1,076,679	504,307
3. For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice - - - - -	92,000	—
Carried forward - £	1,364,609	621,397

SCHEDULE (B.)—Part 9—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,364,609	621,397
No. 4. For the salaries and expenses of the Department of His Majesty's Secretary of State for Dominion Affairs (including a supplementary sum of £7,450) - - - -	65,610	43,511
5. For sundry Dominion services, including certain grants-in-aid and for expenditure in connection with ex-service men in the Irish Free State and for a grant-in-aid to the Irish Free State in respect of compensation to transferred officers -	81,309	42,817
6. For a grant in aid of the Empire Marketing Fund (including a supplementary sum of £62,500) -	612,500	—
7. For the expenses connected with Oversea Settlement, and expenses arising out of the Empire Settlement Act, 1922 - - - -	833,250	72,500
8. For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies (including a supplementary sum of £4,000) - - - - -	151,306	4,783
9. For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services, and grants in aid	1,218,565	48,100
Carried forward - £	4,327,149	833,108

Sched. (B.)
Part 9.
Civil.
Class II.

SCHEDULE (B.)—Part 9—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	4,327,149	833,108
No. 10. For a Grant in Aid of the Colonial Development Fund and for Grants towards Interest on certain Overseas Loans - - - -	812,200	—
11. For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid (including a supplementary sum of £35,000) - - - - -	207,500	—
12. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund, formed under Royal Charter, 21st May 1917, and a contribution towards an endowment fund - - -	652,295	—
Total, Civil, Class II. - £	5,999,144	833,108

SCHEDULE (B.)—Part 10.

Sched. (B.)
Part 10.
Civil.
Class III.

CIVIL.—Class III.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.		
	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including liquidation expenses of the Royal Irish Constabulary and contributions towards the expenses of probation - - - - -	461,821	55,508
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	71,863	4,864
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, bonus to Metropolitan Police Magistrates, the contribution towards the expenses of the Metropolitan Police, the salaries and expenses of the Inspectors of Constabulary, and other grants in respect of Police Expenditure, including places of detention, a grant in aid of the Police Federation and a contribution towards the expenses of the International Criminal Police Commission - - - -	10,405,308	210
Carried forward - - £	10,938,992	60,582

Sched (B.)
Part 10.
Civil.
Class III.

SCHEDULE (B.)—Part 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	10,938,992	60,582
No. 4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - - - -	1,003,986	218,700
5. For grants in respect of the maintenance of juvenile offenders in reformatory and industrial schools, and in auxiliary homes in England and Wales, and whilst under supervision; also for the payment of salaries and other expenses in connection with the collection of parental contributions towards the maintenance of such children -	212,361	17,010
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and a grant in aid, and the salaries and expenses of pensions appeals tribunals - - - - -	100	513,738
7. For the salaries and expenses connected with the County Courts, including bonus to County Court Judges - - - - -	10	750,514
8. For the salaries and expenses of the office of Land Registry - -	10	169,553
9. For the salaries and expenses of the office of Public Trustee - -	10	243,829
Carried forward - - £	12,155,469	1,973,926

SCHEDULE (B.)—Part 10—*continued.*

Sched. (B.)
Part 10.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	12,155,469	1,973,926
No. 10. For the salaries of the law officers department, the salaries and expenses of the departments of His Majesty's Procurator-General, and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of the Director of Public Prosecutions, for the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - - -	158,996	32,447
11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for a grant in aid of the expenses of the Law Society - -	38,786	4,125
12. For the salary and expenses of the Inspector of Constabulary and for grants in respect of Police expenditure in Scotland and for a grant in aid of the Police Federation in Scotland - - - - -	1,066,011	—
13. For the salaries and expenses of the Prisons Department for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory and the preparation of judicial statistics - - -	137,868	22,244
Carried forward - - £	13,557,130	2,032,742

SCHED. (B.)
PART 10.
Civil.
Class III.

SCHEDULE (B.)—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	13,557,130	2,032,742
No. 14. For the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, and in auxiliary homes in Scotland, including the expenses of collection of parental contributions - - - -	57,380	4,600
15. For the salaries and expenses of the office of the Scottish Land Court, including bonus to members of the Court - - - - - -	8,968	290
16. For the salaries and expenses of the Lord Advocate's department and other law charges, the salaries and expenses of the Courts of Law and Justice and of pensions appeals tribunals in Scotland, and bonus on certain statutory salaries - - - - -	66,890	140,250
17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	10	71,621
18. For the cost of certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland, and bonus on certain statutory salaries - - -	12,629	6,582
Carried forward - - £	13,703,007	2,256,085

SCHEDULE (B.)—PART 10—*continued.*

SCHED. (B.) PART 10. Civil. Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	13,703,007	2,256,085
No. 19. For such of the salaries and expenses of the Supreme Court of Judicature of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses - - -	18,196	32,000
20. For the salaries and expenses of the Land Purchase Commission, Northern Ireland, including the payment of land purchase annuities in Northern Ireland and the expenses of certain land purchase services in the Irish Free State reserved as an imperial liability -	2,175,277	134,700
TOTAL, CIVIL, CLASS III. - £	15,896,480	2,422,785

Sched. (B.)
Part 11.
Civil.
Class IV.

SCHEDULE (B.)—Part 11.

CIVIL.—Class IV.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid - - - - - -	45,495,653	5,250,900
2. For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid - -	297,263	22,254
3. For the salaries and expenses of the Imperial War Museum - -	13,260	1,055
4. For the salaries and expenses in respect of the London Museum, Lancaster House - - - -	4,958	1,580
5. For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures - -	35,483	4,100
Carried forward - £	45,846,617	5,279,889

SCHEDULE (B.)—Part 11—*continued.*

Sched. (B.)
Part 11.
Civil.
Class IV.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	45,846,617	5,279,889
No. 6. For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - - - -	8,178	920
7. For the salaries and expenses of the Wallace Collection - - -	11,218	2,250
8. For sundry grants in aid of scientific investigation, &c., and other grants - - - - - -	232,303	—
9. For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain and for grants to the Universities of Scotland under the Local Government (Scotland) Act, 1929 - - - - -	1,830,000	—
10. For public education in Scotland, and for the Royal Scottish Museum, Edinburgh, including sundry grants in aid - - -	7,197,422	730,033
11. For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - -	10,979	272
12. For the salaries and expenses of the National Library, Scotland, including a grant in aid - -	1,301	5,138
Total, Civil, Class IV. £	55,138,018	6,018,502

SCHEDULE (B.)—PART 12.

SCHED. (B.)
PART 12.
Civil.
Class V.

CIVIL.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with Housing, certain grants to local authorities, &c., grants in aid in respect of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts and other services - - - - - -	19,224,200	1,260,000
1A. For special grants in respect of employment schemes in necessitous areas in England and Wales	440,000	—
2. For the salaries and expenses of the Board of Control, England, including expenses under the Lunacy and Mental Deficiency Acts, and grants in respect of the maintenance of certain ex-service mental patients - - - -	194,087	20,192
3. For the salaries and expenses of the department of the Registrar General of Births, &c. - - -	109,438	26,000
Carried forward - - £	19,967,725	1,306,192

SCHEDULE (B.)—Part 12—*continued.*

Sched. (B.)
Part 12.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. Brought forward - -	19,967,725	1,306,192
4. For the salaries and expenses of the audit staff under the National Health Insurance Acts, 1924 to 1928 - - - - - -	173,660	4,350
5. For the salaries and expenses of the Registry of Friendly Societies -	48,104	5,100
6. For the payment of Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - -	36,536,000	3,000
7. For the Treasury Pensions Account in accordance with the provision of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 - - - - - -	9,000,000	—
8. For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including the Exchequer contribution to the Unemployment Fund, grants to associations, local education authorities and others under the Unemployment Insurance Labour Exchanges and other Acts; expenses of the Industrial Court; contribution towards the expenses of the International Labour Organisation (League of Nations), expenses of training and transference of workpeople and their families within Great Britain and Oversea (including expenditure in addition to that authorised under section 2 (1) of the Labour Exchanges Act, 1909), and sundry services, including services arising out of the war - - - -	26,591,000	5,845,000
Carried forward - - £	92,316,489	7,163,642

Sched. (B.)
Part 12.
Civil.
Class V.

SCHEDULE (B.)—Part 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	92,316,489	7,163,642
No. 9. For grants to local authorities, &c., in pursuance of Part II. of the Development (Loan Guarantees and Grants) Act, 1929, and for payments in respect of certain grants made prior to 31st day of August 1929, in respect of employment schemes - - - -	2,250,000	—
10. For the salaries and expenses of the Department of Health for Scotland, including grants and other expenses in connection with housing, certain grants to local authorities, &c., grant in aid of the Highlands and Islands medical service, grants in aid of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services - - - - - -	2,791,592	166,506
11. For the salaries and expenses of the General Board of Control for Scotland, including expenses under the Lunacy (Scotland) and Mental Deficiency (Scotland) Acts, and grants in respect of the maintenance of certain ex-service mental patients - - - - - -	60,456	515
12. For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland -	17,264	2,000
13. For special grants in respect of employment schemes in necessitous areas in Scotland - -	60,000	—
Total, Civil, Class V. £	97,495,801	7,332,663

SCHEDULE (B.)—PART 13.

Sched. (B.)
Part 13.
Civil.
Class VI.

CIVIL—CLASS VI.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War -	206,741	378,810
2. For the salaries and expenses of the Board of Trade under the Bankruptcy Acts, 1914 and 1926, and the Economy (Miscellaneous Provisions) Act, 1926 - - -	10	161,868
3. For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including the Coastguard, General Register and Record Office of Shipping and Seamen, Merchant Seamen's Fund Pensions and grants to the General Lighthouse Fund and other Lighthouse Authorities - - -	398,030	268,524
Carried forward - - £	604,781	809,202

Sched. (B.)
Part 13.
Civil.
Class VI.

SCHEDULE (B.)—Part 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	604,781	809,202
No. 4. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel Association of Great Britain -	502,972	125,063
5. For guarantees in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom and for the salaries and expenses of the Export Credits Guarantee Department - -	95,662	73,000
6. For the salaries and expenses of the Mines Department of the Board of Trade - - - - - -	173,332	6,989
7. For the salaries and expenses in the office of Commissioners of Crown Lands, including bonus to Commissioner and Secretary -	34,142	—
8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, expenses under the Agricultural Wages (Regulation) Act, 1924, a grant under the Agricultural Credits Act, 1928, loans to co-operative marketing societies, grants for Agricultural Education and Research, grants for eradication of Tuberculosis in cattle, grants for land improvement, grants in aid of the Small Holdings Account, and other grants including certain grants in aid; and the salaries and expenses of the Royal Botanic Gardens, Kew (including a supplementary sum of £10) - - - - - -	2,312,320	707,735
Carried forward - £	3,723,209	1,721,989

SCHEDULE (B.)—PART 13—*continued.*

Sched. (B.)
Part 13.
Civil.
Class VI.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	3,723,209	1,721,989
9.	For a subsidy on sugar and molasses manufactured from beet grown in Great Britain - - - -	5,400,000	—
10.	For the expenses of the survey of Great Britain, and of minor services connected therewith -	143,203	102,430
11.	For a grant in aid of the Forestry Fund - - - - - -	837,800	—
12.	For the salaries and expenses of the Ministry of Transport under the Ministry of Transport Act, 1919, expenses of the Railway Rates Tribunal under the Railways Act, 1921, expenses under the London Traffic Act, 1924, expenses in respect of advances under the Light Railways Act, 1896, expenses of maintaining Holyhead Harbour, advances to meet deficit in Ramsgate Harbour Fund, advances to Caledonian and Crinan Canals, and for expenditure in connection with the Severn Barrage Investigation -	208,974	209,232
13.	For a grant in aid of the Development Fund - - - - -	625,000	—
	Carried forward - -	10,938,186	2,033,651

Sched. (B.)
Part 13.
Civil.
Class VI.

SCHEDULE (B.)—Part 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	10,938,186	2,033,651
No. 14. For grants to public utility undertakings in Great Britain - -	200,000	—
15. For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain, and Museum of Practical Geology and a grant in aid - - -	469,278	205,732
16. For the salaries and expenses of the State Management Districts, including the salaries of the central office and the cost of acquisition and management of licensed premises - - -	100	638,020
17. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education and training, loans to co-operative societies, a grant under the Agricultural Credits (Scotland) Act, 1929, a grant in respect of the Hebridean Drifter Service and certain grants in aid (including a supplementary sum of £10) - - - - -	574,928	174,406
18. For the salaries and expenses of the Fishery Board for Scotland, including expenses of marine superintendence, and grant in aid of piers or quays; also loans to herring fishermen - - -	137,442	45,429
Total, Civil, Class VI. £	12,319,934	3,097,238

SCHEDULE (B.)—Part 14.

Sched. (B.)
Part 14.
Civil.
Class VII.

CIVIL.—Class VII.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For expenditure in respect of Art and Science buildings, Great Britain -	330,100	8,450
2. For expenditure in respect of the Houses of Parliament buildings -	94,610	650
3. For expenditure in respect of Housing Estates under the management of the Office of Works - - - - - -	20,690	36,360
4. For expenditure in respect of Employment Exchange, and Insurance buildings, Great Britain (including Ministries of Labour and Health and the Department of Health for Scotland) - - -	642,370	9,050
5. For expenditure in respect of miscellaneous legal buildings including the whole additional cost of a new Sheriff Court House at Edinburgh - - - -	114,710	1,000
Carried forward - - £	1,202,480	55,510

Sched. (B.)
Part 14.
Civil
Class VII.

SCHEDULE (B.)—Part 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,202,480	55,510
No. 6. For expenditure in respect of Osborne - - - - -	17,760	5,250
7. For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - - -	613,670	170,000
8. For expenditure in respect of sundry public buildings in Great Britain not provided for on other Votes, including Historic Buildings, Ancient Monuments and Brompton Cemetery - -	1,279,600	205,000
9. For expenditure in respect of public buildings overseas - - -	237,480	67,950
10. For expenditure in respect of royal palaces, including a grant in aid -	87,970	12,750
11. For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, certain Post Offices abroad, and for certain expenses in connection with boats and launches belonging to the Customs and Excise Department - - - - - -	1,125,350	26,350
Carried forward - - £	4,564,310	542,810

SCHEDULE (B.)—Part 14—*continued.*

Sched. (B.)
Part 14.
Civil.
Class VII.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	4,564,310	542,810
12.	For expenditure in respect of the royal parks and pleasure gardens -	208,690	51,640
13.	For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on buildings occupied by Representatives of British Dominions and of Foreign Powers, and to pay the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - -	1,917,781	24,300
14.	For stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates - - -	1,679,521	686,600
15.	For the expense of constructing a new harbour of refuge at Peterhead - - - - -	32,000	—
16.	For expenditure in respect of public works and buildings in Ireland -	83,860	31,160
	Total, Civil, Class VII. £	8,486,162	1,336,510

Sched. (B.)
Part 15.
Civil.
Class VIII.

SCHEDULE (B.)—Part 15.

CIVIL.—Class VIII.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants, and the administrative expenses connected therewith - - - - -	372,692	—
2. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, and the War Pensions Acts, 1915 to 1921, and sundry services -	51,603,500	21,500
3. For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - -	675,316	1,158,582
4. For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes, for compassionate allowances, gratuities and supplementary pensions awarded by the Treasury, and, under the Government of Ireland Act, 1920, by the Civil Service Committee -	1,592,533	67,500
Total, Class VIII. - £	54,244,041	1,247,582

SCHEDULE (B.)—Part 16.

Sched. (B.) Part 16. Civil. Class IX.

CIVIL.—Class IX.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the clearing office for enemy debts (including enemy property department), shipping liquidation, and certain other services arising out of the war - - - - -	20,776	216,265
2. For expenditure arising out of contracts dated 9th April 1918, and 3rd March 1922, entered into with the Zinc Producers' Association Proprietary, Limited, to give effect to agreements made in 1916 and 1917, for the purchase of Zinc Concentrates - - -	120,977	461,185
3. For expenditure arising from the Government control of railways in Great Britain and Ireland under the Regulation of the Forces Act, 1871, section 16 -	100	—
Total, Class IX. - - £	141,853	677,450

Sched. (B.)
Part 17.
Civil.
Class X.

SCHEDULE (B.)—Part 17.

CIVIL.—Class X.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For grants to local authorities in England and Wales, authorised by Part VI of the Local Government Act, 1929 - - - - -	39,560,000	4,540,000
2. For grants to local authorities in Scotland authorised by the Local Government (Scotland) Act, 1929	4,147,362	683,638
3. For a grant in aid to rating authorities in Scotland in respect of loss of rates during the year from the 16th day of May 1929 to the 15th day of May 1930, in pursuance of section 75 of the Local Government (Scotland) Act, 1929 (including a supplementary sum of £200,000) - - - - -	1,000,000	—
Total, Class X - £	44,707,362	5,223,638

SCHEDULE (B.)—Part 18.

Sched. (B.) Part 18. Revenue Departments, &c.

REVENUE DEPARTMENTS, &c.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Revenue Departments, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1931, viz:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the Customs and Excise Department -	5,079,600	234,000
2. For the salaries and expenses of the Inland Revenue Department -	7,055,050	184,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	60,275,000	2,577,661
Total, Revenue Departments - £	72,409,650	2,995,661

Sched. (C.)
Part I.
Navy
Services.
Section 5.

SCHEDULE (C.)—Part I.

Navy Services, 1928, Votes.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
1. Wages, &c., of Officers, Seamen, Boys and Royal Marines and Civilians employed on Fleet Services	8,858 4 7	5,689 3 2	—	—
2. Victualling and Clothing	—	—	7,617 4 6	34,744 3 4
3. Medical Establishments and Services	—	—	2,724 6 2	4,812 16 9
4. Fleet Air Arm	—	—	—	—
5. Educational Services	—	—	4,230 19 7	582 17 3
6. Scientific Services	—	—	24,124 8 3	78 1 5
7. Royal Naval Reserves	—	104 1 7	9,309 0 8	—
8. Shipbuilding, Repairs, Maintenance, &c.				
Sec. 1. Personnel	14,191 11 6	—	—	16,621 4 8
Sec. 2. Matériel	3,184 7 3	—	—	40,394 0 2
Sec. 3. Contract Work	9,031 15 1	—	—	171 18 1
9. Naval Armaments	31,972 0 9	57,662 14 9	—	—
10. Works, Buildings and Repairs	—	7,053 18 0	56,846 13 7	—
11. Miscellaneous Effective Services	—	—	28,698 1 11	15,961 7 10
12. Admiralty Office	—	—	10,294 2 3	5,580 11 11
13. Non-effective Services (Naval and Marine)—Officers	—	—	15,326 2 1	52 19 10
14. Non-effective Services (Naval and Marine)—Men	—	—	22,008 7 9	181 9 3
15. Civil Superannuation, Compensation Allowances and Gratuities	—	—	854 18 0	1,709 18 11
Balances Irrecoverable and Claims Abandoned	4,223 8 0	—	—	—
	71,461 7 2	70,509 17 6	182,034 4 9	120,891 9 5
	Total Deficits: £141,971 4*s.* 8*d.*		Total Surpluses: £302,925 14*s.* 2*d.*	
	Net Surplus: £160,954 9*s.* 6*d.*			

SCHEDULE (C.)—Part II.

Sched. (C.)
Part II.
Army
Services.
Section 5.

Army Services, 1928, Votes.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
1. Pay, &c., of the Army	—	344,740 11 10	14,618 3 5	—
2. Territorial Army and Reserve Forces	—	—	144,874 19 9	3,949 16 6
3. Medical Services	—	—	24,803 11 8	9,869 5 6
4. Educational Establishments	—	12,524 1 11	22,259 10 6	—
5. Quartering and Movements	—	3,167 14 3	113,593 15 8	—
6. Supplies, Road Transport and Remounts	—	5,072 13 5	10,874 8 0	—
7. Clothing	7,850 3 0	—	—	22,261 6 0
8. General Stores	11,495 6 9	—	—	23,615 12 11
9. Warlike Stores	—	—	118,760 18 8	103,382 7 1
10. Works, Buildings and Lands	—	—	155,564 4 1	68,074 2 6
11. Miscellaneous Effective Services	—	—	25,219 2 6	46,531 3 8
12. War Office	—	727 7 11	13,117 15 2	—
13. Half-pay, Retired Pay and other non-effective Charges for Officers	9,420 17 9	172,897 16 7	—	—
14. Pensions and other Non-effective Charges for Warrant Officers Non-commissioned Officers men and others	—	—	15,276 19 7	1,580 13 5
15. Civil Superannuation Compensation and Gratuities	—	53 11 2	5,159 11 9	—
Balances Irrecoverable	7,098 8 6	—	—	—
	35,864 16 0	539,183 17 1	664,123 0 9	279,264 7 7
	Total Deficits : £575,048 13*s.* 1*d.*		Total Surpluses : £943,387 8*s.* 4*d.*	
	Net Surplus : £368,338 15*s.* 3*d.*			

Sched. (C.)
Part III.
Air Services.
Section 5.

SCHEDULE (C.)—Part III.

Air Services, 1928, Votes.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c. of the Air Force	—	180,061 2 9	50,842 8 9	—
2. Quartering Stores (except Technical), Supplies and Transport	—	—	52,854 8 4	7,029 3 2
3. Technical and Warlike Stores (including Experimental and Research Services)	—	—	151,023 13 7	13,360 4 3
4. Works, Buildings and Lands	143,203 11 7	—	—	87,198 3 0
5. Medical Services	—	—	13,594 3 3	4,346 1 0
6. Educational Services	2,464 0 8	—	—	674 17 3
7. Auxiliary and Reserve Forces	—	—	20,031 2 9	105 19 8
8. Civil Aviation	—	—	49,988 10 0	11,247 10 10
9. Meteorological and Miscellaneous Effective Services	—	—	1,532 18 6	1,972 9 0
10. Air Ministry	—	—	6,123 5 6	138 17 9
11. Half-Pay, Pensions and other Non-effective Services	—	—	13,118 19 5	375 5 3
Balances Irrecoverable and Claims Abandoned	1,764 14 6	—	—	—
	147,432 6 9	180,061 2 9	359,109 10 1	126,448 11 2
	Total Deficits: £327,493 9*s.* 6*d.*		Total Surpluses: £485,558 1*s.* 3*d.*	
	Net Surplus: £158,064 11*s.* 9*d.*			

CHAPTER 28.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance.

[1st August 1930.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CUSTOMS AND EXCISE.

Increased excise duty on beer.

1.—(1) In lieu of the duty of excise payable in respect of beer brewed in the United Kingdom there shall, as from the fifteenth day of April, nineteen hundred and thirty, be charged, levied, and paid the following duty (that is to say):—

	£	*s.*	*d.*
For every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees - - - -	5	3	0

and in lieu of the drawback of excise payable in respect of beer exported from the United Kingdom, as merchandise or for use as ship's stores, there shall be allowed and paid in respect of beer on which it is shown that the increased excise duty charged by this Act has

Part I. *—cont.*

been paid a drawback calculated according to the original gravity thereof (that is to say):—

	£	*s.*	*d.*
For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees the drawback of -	5	3	3

and so, as to both duty and drawback, in proportion for any difference in quantity or gravity.

15 & 16 Geo. 5. c. 36.

(2) Nothing in this section shall affect the provisions of section seven of the Finance Act, 1925, with respect to the additional excise drawback to be allowed in respect of beer under the said section.

Increased customs duties on beer.

2.—(1) In lieu of the duties of customs payable on beer of the descriptions called or similar to mum, spruce or black beer, or Berlin white beer, or other preparations, whether fermented or not fermented, of a similar character imported into the United Kingdom, there shall, as from the fifteenth day of April, nineteen hundred and thirty, be charged, levied, and paid the following duties, that is to say:—

	£	*s.*	*d.*
For every thirty-six gallons of beer where the worts thereof are, or were before fermentation, of a specific gravity—			
Not exceeding one thousand two hundred and fifteen degrees -	20	14	0
Exceeding one thousand two hundred and fifteen degrees - -	24	5	0

(2) In lieu of the duty of customs payable on every description of beer other than those specified in the preceding subsection imported into the United Kingdom there shall, as from the fifteenth day of April, nineteen hundred and thirty, be charged, levied, and paid the following duty, that is to say:—

	£	*s.*	*d.*
For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of one thousand and fifty-five degrees - - - -	5	3	6

(3) In lieu of the customs drawback now payable there shall be allowed and paid on the exportation, or shipment for use as stores, of beer imported into the United Kingdom, on which it is shown that the increased customs duty charged by this Act has been paid,

a drawback calculated according to the original gravity thereof, that is to say:—

	£	*s.*	*d.*
For every thirty-six gallons of an original gravity of one thousand and fifty-five degrees the drawback of - - -	5	3	3

(4) In the case of beer which is of a gravity different from the gravity aforesaid, the duty or the drawback, as the case may be, shall be varied proportionately.

(5) Nothing in this section shall affect the provisions of section seven of the Finance Act, 1925, with respect to the additional duty of customs on beer and the additional customs drawback in respect of beer to be paid and allowed respectively under the said section.

Annual value of premises in London for purpose of duty on excise licences. 14 & 15 Geo. 5. c. 21.

3. As from the sixth day of April, nineteen hundred and thirty-one, the provisions of subsection (2) of section twelve of the Finance Act, 1924 (which provides that in certain cases a person applying for an excise licence may require the Commissioners of Customs and Excise to assess the annual value of the premises for the purposes of the duty upon that licence as if there were no income tax value applicable), shall apply to premises in the administrative county of London as they apply to premises situate elsewhere in Great Britain.

Abolition of duties on bookmakers' certificates and entry certificates. 16 & 17 Geo. 5. c. 22.

4. The excise duties chargeable under section fifteen of the Finance Act, 1926, on a bookmaker's certificate and on an entry certificate shall cease to be charged after the thirty-first day of October, nineteen hundred and thirty.

Abolition of customs duties under Part II of 11 & 12 Geo. 5. c. 47.

5. Section three of the Safeguarding of Industries Act, 1921, which imposes duties of customs on goods to which Part II of that Act applies, shall cease to have effect.

Amendment with respect to duties on licences for mechanically propelled vehicles. 10 & 11 Geo. 5. c. 18.

6.—(1) As from the first day of January, nineteen hundred and thirty-one, section thirteen of the Finance Act, 1920 (which imposes duties of excise in respect of mechanically propelled vehicles), shall have effect as if at the end of the Second Schedule to the said Act, there were inserted the following paragraph—

> "A vehicle shall not be deemed to be an electrically propelled vehicle within the meaning

Part I. —*cont.*

of this Schedule unless the electrical motive power is derived either from a source external to the vehicle or from an electrical storage battery which is not connected to any source of power when the vehicle is in motion."

(2) As from the first day of July, nineteen hundred and thirty, the said Second Schedule shall be amended as follows :—

(*a*) In paragraph 1 for the words—

" Bicycles—	£	*s.*	*d.*
Not exceeding 200 lbs. in weight unladen - - -	1	10	0
Exceeding 200 lbs. in weight unladen -	3	0	0"

there shall be substituted the words—

" Bicycles—	£	*s.*	*d.*
Not exceeding 224 lbs. in weight unladen - - -	1	10	0
Exceeding 224 lbs. in weight unladen -	3	0	0"

(*b*) In sub-paragraph (*d*) of paragraph 5 of the said Schedule, for the words—

	£	*s.*	*d.*	£	*s.*	*d.*
"Exceeding 2 tons, but not exceeding 3 tons in weight unladen - - -	32	0	0	40	0	0"

there shall be substituted the words—

	£	*s.*	*d.*	£	*s.*	*d.*
"Exceeding 2 tons, but not exceeding 2½ tons in weight unladen - - -	28	0	0	35	0	0
Exceeding 2½ tons, but not exceeding 3 tons in weight unladen - - -	32	0	0	40	0	0"

(3) Any person who is the holder of a licence which was taken out before the first day of July, nineteen hundred and thirty, in respect of any vehicle to which subsection (2) of this section applies shall on surrendering the licence to the council of the county or county borough

Part I. —*cont.*

with which the vehicle is for the time being registered, be entitled to be repaid a sum which bears to the difference between the duty paid and the duty which would have been payable if the duty had been chargeable at the rates prescribed by the said subsection (2) the same proportion as the period of the licence unexpired on the said first day of July bears to the whole period for which the licence was taken out, and subsection (2) of section fourteen of the Finance Act, 1926 (which relates to the enforcement of repayments in respect of over-payments of duty on licences for mechanically-propelled vehicles), shall apply as if the holder of the licence were entitled to a repayment in respect of an over-payment of duty.

Relief from duty in case of hydrocarbon oil used on board lifeboats. 18 & 19 Geo. 5. c. 17.

7. Subsection (8) of section two of the Finance Act, 1928, which provides for the repayment of duty paid in respect of hydrocarbon oil used on board fishing boats, shall be extended so as to apply to duty paid in respect of hydrocarbon oil used on board lifeboats owned by the Royal National Lifeboat Institution, or for the purposes of any tractor or gear owned by the said institution and used for the purpose of launching or hauling in any such lifeboats.

PART II.

INCOME TAX.

Charge and Rates of Tax.

Income tax for 1930–31.

8.—(1) Income tax for the year 1930–31 shall be charged at the standard rate of four shillings and sixpence in the pound, and, in the case of an individual whose total income from all sources exceeds two thousand pounds, at such higher rates in respect of the excess over two thousand pounds as Parliament may hereafter determine.

(2) All such enactments as had effect with respect to the income tax charged for the year 1929–30 shall have effect with respect to the income tax charged for the year 1930–31.

(3) The annual value of any property which has been adopted for the purpose of income tax under Schedules A and B for the year 1929–30 shall be taken as the annual value of that property for the same purpose for the year 1930–31:

Provided that this subsection shall not apply to lands, tenements and hereditaments in the administrative

Part II. —*cont.*

32 & 33 Vict. c. 67.

county of London with respect to which the valuation list under the Valuation (Metropolis) Act, 1869, is by that Act made conclusive for the purposes of income tax.

Alteration of higher rates of income tax for 1929-30.

19 & 20 Geo. 5. c. 21.

9. Income tax for the year 1929–30 in respect of the excess of the total income of an individual over two thousand pounds shall, instead of being charged in pursuance of section one of the Finance Act, 1929, at the same higher rates as were charged for the year 1928–29, be charged at rates in the pound which exceed the standard rate by the amounts specified in the second column of the following Table:—

Table.

In respect of the first five hundred pounds of the excess -	One shilling.
In respect of the next five hundred pounds of the excess -	One shilling and threepence.
In respect of the next one thousand pounds of the excess -	Two shillings.
In respect of the next one thousand pounds of the excess -	Three shillings.
In respect of the next one thousand pounds of the excess -	Three shillings and sixpence.
In respect of the next two thousand pounds of the excess -	Four shillings.
In respect of the next two thousand pounds of the excess -	Five shillings.
In respect of the next five thousand pounds of the excess -	Five shillings and sixpence.
In respect of the next five thousand pounds of the excess -	Six shillings.
In respect of the next ten thousand pounds of the excess -	Six shillings and sixpence.
In respect of the next twenty thousand pounds of the excess	Seven shillings.
In respect of the remainder of the excess - - - -	Seven shillings and sixpence.

Miscellaneous.

Part II. —*cont.*

Amendment of s. 40 (2) of Finance Act, 1927. 17 & 18 Geo. 5. c. 10.

10. For the words "one-half" and the words "two hundred and twenty-five pounds" in subsection (2) of section forty of the Finance Act, 1927 (which provides for a further deduction of tax equal to one-half of the tax remaining chargeable after the deductions therein referred to have been made or to one-half the tax at the standard rate on two hundred and twenty-five pounds, whichever is the less), there shall be substituted respectively the words "five-ninths" and the words "two hundred and fifty pounds."

Amendment as to relief in respect of life insurance premiums. 8 & 9 Geo. 5. c. 40.

11. Section thirty-two of the Income Tax Act, 1918 (which relates to relief from tax in respect of life insurance premiums), shall, as amended by the Finance Act, 1920, have effect as if at the end of subsection (3) there were inserted the following new paragraph :—

(*f*) shall, as regards premiums or sums in respect of which the claimant would but for this restriction be entitled to an allowance at half the standard rate of tax, be given at a rate of tax greater than four-ninths of the standard rate—

(i) where the taxable income of the claimant does not exceed two hundred and fifty pounds; or

(ii) where the taxable income of the claimant exceeds two hundred and fifty pounds, in respect of the amount, if any, by which the premiums or sums exceed the amount by which the taxable income exceeds two hundred and fifty pounds;

In this paragraph the expression "taxable income," in relation to any person, means the total income of that person, estimated in accordance with the provisions of the Income Tax Acts as they apply to income tax chargeable at the standard rate less any amount on which he is, by virtue of subsection (1) of section forty of the Finance Act, 1927, entitled to relief by way of a deduction of tax.

Deduction of tax. 3 & 4 Geo. 5. c. 3.

12.—(1) If in any year of assessment a resolution having statutory effect under the Provisional Collection of Taxes Act, 1913, provides for the charging of income

Part II. —*cont.*

tax at a standard rate lower than that charged for the previous year, the following provisions shall have effect with respect to deductions in respect of income tax by any body corporate, under Rule 19 of the General Rules from payments of interest on any of its securities, or under Rule 20 of the General Rules from payments of preference dividends on any of its shares—

(*a*) any deduction, which was made before the expiration of one month from the passing of the resolution and which would if the tax had been renewed at the rate imposed for the previous year have been a legal deduction, shall be deemed to be a deduction rendered legal by section two of the said Act, and the said section two shall, subject to the provisions of this section, apply accordingly;

(*b*) any over-deduction to be made good under the said section two may be made good by a reduction of the amount of tax deducted from the next payment of like nature made on the security or share in question after the passing of the Act imposing the tax for the year:

Provided that the foregoing provision shall not authorise the retention of any part of the amount over-deducted for more than one year from the passing of the Act so imposing the tax;

(*c*) any amount made good under the said section two shall—

(i) in the case of an over-deduction which is made good under paragraph (*b*) of this subsection, enure to the benefit of the person entitled to the payment on the occasion of which the over-deduction is made good; and

(ii) in any other case, enure to the benefit of the person entitled to the security or share in question at the date when the amount is made good,

irrespective, in either case, of whether or not he is the person who was entitled to the payment, or to the security or share, at the date when the original deduction was made.

(2) Subsection (2) of section two hundred and eleven of the Income Tax Act, 1918 (which makes provision as

to the deduction in any year of income tax which has not been deducted before the passing of the Finance Act for the year), shall apply with respect to—

(*a*) any preference dividend from which a deduction of tax may be made under Rule 20 of the General Rules; and

(*b*) any payment for or in respect of copyright to which section twenty-five of the Finance Act, 1927, applies; and

(*c*) any royalty, or other sum, paid in respect of the user of a patent,

as it applies with respect to rent, interest, annuity or any other annual payment.

(3) Where on payment of a dividend (not being a preference dividend within the meaning of this section), income tax has, under Rule 20 of the General Rules, been deducted therefrom by reference to a standard rate of tax greater or less than the standard rate for the year in which the dividend became due, the net amount received shall, for all the purposes of the Income Tax Acts, be deemed to represent income of such an amount as would, after deduction of tax by reference to the standard rate last-mentioned, be equal to the net amount received, and for the said purposes there shall in respect of that income be deemed to have been paid by deduction tax of such an amount as is equal to the amount of tax on that income computed by reference to the standard rate last-mentioned.

(4) In this section the expression "preference dividend" means—

(*a*) a dividend payable on a preferred share at a fixed gross rate per cent.; or

(*b*) where a dividend is payable on a preferred share partly at a fixed gross rate per cent. and partly at a variable rate, such part of that dividend as is payable at a fixed gross rate per cent.,

and the expression "share" includes stock.

Interest on loans used for payment of premiums, &c., not to be allowed as

13.—(1) Subject to the provisions of this section, in computing for the purposes of sur-tax the total income for any year of an individual who has entered into a contract of assurance, no deduction shall be allowed in respect of any interest on any borrowed money which has been applied directly or indirectly to or towards

Part II. —*cont.* deduction for supertax purposes.

the payment of any premium under that contract, or of any sum paid in lieu of any such premium.

(2) Where the benefit of a contract of assurance entered into by any person has become vested in another person, being an individual, subsection (1) of this section shall apply in relation to that individual—

(*a*) as if the contract had been a contract entered into by him; and

(*b*) in a case where the benefit of the contract became vested in him by virtue of an assignment and any payment was made by him in consideration of the assignment, as if that payment were the payment of a premium under the contract; and

(*c*) in a case where, either as being the person in whom the said benefit is vested, or by reason of any agreement under or in pursuance of which the said benefit became vested in him, he pays any interest on any borrowed money, as if that money had been applied to the payment of a premium under the contract.

(3) This section shall not, where the interest is payable at a rate not exceeding ten per cent. per annum, apply to—

(*a*) interest on borrowed money applied to or towards the payment of any premium under a contract of assurance entered into before the fifteenth day of April, nineteen hundred and thirty, which assures a fixed capital sum payable either—

(i) on death only; or

(ii) on the expiration of a period of not less than ten years from the date of the commencement of the contract or on earlier death;

(*b*) interest on money borrowed before the sixth day of April, nineteen hundred and twenty-nine, unless

(i) the money was borrowed from an assurance company; and

(ii) the repayment thereof was secured on a contract of assurance; and

(iii) the premium in question was a premium under that contract;

Part II. —*cont.*

(*c*) interest on money borrowed mainly on the security of property other than a contract of assurance, if the premium in question either—

(i) is payable under a contract of assurance entered into in order to provide against the failure of a contingent interest in any property, and to serve as additional security for the loan and for no other purpose; or

(ii) is the first of a series of premiums payable under a contract of assurance entered into solely in order to provide for the repayment of the money borrowed and does not exceed ten per cent. of the sum assured under that contract;

(*d*) interest on borrowed money applied to or towards the payment of premiums under a contract of assurance which assures throughout the term of the contract a capital sum payable on death, if neither the amount of the first premium under the contract nor the amount subsequently payable by way of premiums thereunder in respect of any period of twelve months exceeds one-eighth of the capital sum payable on death;

(*e*) interest on borrowed money applied to or towards the payment of premiums (not being premiums such as those specified in the preceding paragraphs of this subsection) each of which is one of a series of equal premiums payable at equal intervals of not more than one year, except so far as such interest exceeds in the year of assessment one hundred pounds in all.

(4) The provisions of section twenty-two of the Finance Act, 1922, with regard to the delivery of particulars as to deductions claimed to be allowed, shall be extended so as to enable the special commissioners to require such particulars with respect to deductions and otherwise as they may consider necessary for the purpose of carrying this section into effect.

12 & 13 Geo. 5. c. 17.

(5) In this section—

(*a*) the expression "contract of assurance" means a contract of assurance or a contract similar in character to a contract of assurance, being

Part II. —*cont.*

in either case a contract under which a capital sum is expressed to be payable in the future in return for one or more antecedent payments, and the expression "premium" means any such antecedent payment;

(*b*) the expression "interest" includes any sum payable in respect of any borrowed money;

(*c*) any reference to borrowed money applied to or towards any payment shall be deemed to include a reference to borrowed money applied directly or indirectly to or towards the replacement of any money so applied;

(*d*) any reference to a capital sum payable on death under a contract of assurance shall be construed as a reference to the actual capital sum assured on death, exclusive of any addition which has arisen or may arise from any bonus, share of profits, return of premiums or otherwise, and in the case of a contract under which different capital sums are payable on death in different events, as a reference to the least of those sums.

Amendment of s. 34 of Finance Act, 1926.

14. The following shall be substituted for subsection (1) of section thirty-four of the Finance Act, 1926:—

"(1) Where in the case of any trade, profession or vocation, or of the occupation of any land occupied solely or mainly for the purposes of husbandry, or of the occupation of any woodlands, an account has or accounts have been made up to a date or dates within the period of three years immediately preceding the year of assessment—

(*a*) if an account was made up to a date within the year preceding the year of assessment and that account was the only account made up to a date in that year and was for a period of one year beginning either at the commencement of the trade, profession, vocation or occupation, or at the end of the period on the profits or gains of which the assessment for the last preceding year of assessment was to be computed, the profits or gains of the year ending on that date shall be taken to be the profits or gains of the year preceding the year of assessment;

(*b*) in any case to which the provisions of paragraph (*a*) do not apply the Commissioners of Inland Revenue shall decide what period of twelve months ending on a date within the year preceding the year of assessment shall be deemed to be the year the profits or gains of which are to be taken to be the profits or gains of the year preceding the year of assessment."

Provision as to computation of profits and gains for purpose of charge to tax in two years next after the year in which trade, &c., set up or commenced.

15.—(1) In this section the expression "charged" means charged to income tax in respect of the profits or gains of a trade, profession or vocation, and the expressions "the second year of assessment" and "the third year of assessment" in relation to the charge of income tax in respect of the profits or gains of any trade, profession or vocation mean respectively the year next after and the year next but one after the year of assessment in which that trade, profession or vocation was set up or commenced.

(2) The person charged or liable to be charged shall be entitled, on giving notice in writing to the surveyor within two years after the end of the second year of assessment to require that tax shall be charged for both the second year of assessment and the third year of assessment (but not for one or other only of those years) on the amount of the profits or gains of each such year respectively:

Provided that he may by notice in writing given to the surveyor within twelve months after the end of the third year of assessment revoke the notice and in such case tax shall be charged for both the second year of assessment and the third year of assessment as if the first notice had never been given.

(3) If at any time during the second or third year of assessment, any such change as is mentioned in paragraph (1) of Rule 11 of the Rules applicable to Cases I. and II. of Schedule D occurs in the persons engaged in the trade, profession, or vocation, a notice for the purposes of the last preceding subsection or of the proviso thereto, must, if given after the occurrence of the change,—

(*a*) in the case of a notice given within twelve months after the end of the second year of assessment, be signed by each of the persons who were engaged in the trade, profession, or vocation, at any time between the commencement of the second year of assessment and the giving of the notice, or, in the case of a deceased person, by his legal representatives; and

(*b*) in the case of a notice given after the end of the third year of assessment, be signed by each of the persons who were engaged in the trade, profession, or vocation, at any time during the second or third year of assessment, or, in the case of a deceased person, by his legal representatives.

(4) In the case of the death of a person who, if he had not died, would, under the provisions of this section have become chargeable to income tax for any year, the tax which would have been so chargeable shall be assessed and charged upon his executors or administrators and shall be a debt due from and payable out of his estate.

(5) There shall be made such additional assessments, reductions of assessments or repayments of tax as may in any case be required in order to give effect to the foregoing provisions of this section.

(6) This section shall apply in relation to trades, professions or vocations set up or commenced in the year 1928–29 or any subsequent year of assessment:

Provided that in the case of a trade, profession or vocation set up or commenced in the year 1928–29 the person charged may, instead of giving notice under subsection (2) of this section, give notice under proviso (*a*) to subsection (1) of section twenty-nine of the Finance Act, 1926, and shall, if he so gives notice, be entitled to be charged under the said proviso for the year 1929–30.

Amendment of Rule 11 of Rules applicable to Cases I and II of Schedule D.

16. The proviso to paragraph (1) of Rule 11 of the Rules applicable to Cases I and II of Schedule D shall, in relation to cases where the change occurs after the fifth day of April, nineteen hundred and thirty, have effect as if for the words "three months after the change took place" there were substituted the words "twelve months after the change took place."

Relief from double taxation on certain profits arising through an agency.

17.—(1) Subject to the provisions of this section if His Majesty in Council is pleased to declare—

(*a*) that any profits or gains arising directly or indirectly to a person resident in any foreign state or in any part of His Majesty's dominions outside the United Kingdom through an agency in the

Part II. —*cont.*

United Kingdom or to a person resident in the United Kingdom through an agency in any foreign state or in any part of His Majesty's dominions outside the United Kingdom are chargeable both to United Kingdom income tax and to income tax payable under the law in force in that foreign state or that part of His Majesty's dominions; and

(*b*) that arrangements as specified in the declaration have been made with the Government concerned with a view to the granting of relief from such double taxation,

then, unless and until the declaration is revoked by His Majesty in Council, the arrangements specified therein shall, so far as they relate to the relief to be granted from United Kingdom income tax, have effect as if enacted in this Act, but only if and so long as the arrangements, so far as they relate to the relief to be granted from the income tax payable in the foreign state or in the part of His Majesty's dominions, have the effect of law in the foreign state or the part of His Majesty's dominions:

Provided that no arrangements made under this section shall exempt from United Kingdom income tax any profits or gains which either—

(i) arise from the sale of goods from a stock in the United Kingdom; or

(ii) accrue to a person resident in the United Kingdom; or

(iii) accrue to a person not resident in the United Kingdom directly or indirectly through any branch or management in the United Kingdom or through any agency in the United Kingdom where the agent has and habitually exercises a general authority to negotiate and conclude contracts.

(2) Any declaration made by His Majesty in Council under this section shall be laid before the Commons House of Parliament as soon as may be after it is made and, if an address is presented to His Majesty by that House within twenty-one days on which that House has sat next after the declaration is laid before it, praying that the declaration may be revoked, His Majesty in Council may revoke the declaration and the arrangements specified in the declaration shall thereupon cease

PART II. —*cont.*

to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new declaration.

(3) The obligation as to secrecy imposed by any enactment with regard to income tax shall not prevent the disclosure to any authorised officer of the foreign state or part of His Majesty's dominions mentioned in the declaration of such facts as may be necessary to enable relief to be duly given in accordance with the arrangements specified in the declaration.

(4) In this section the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the Government of some part of His Majesty's dominions.

Computation of amount of copyright royalties taxed by deduction.

18.—(1) Where any payment to which section twenty-five of the Finance Act, 1927, applies (which section provides for the taxation of copyright royalties by deduction in cases where the usual place of abode of the owner of the copyright is not within the United Kingdom) is made through an agent resident in the United Kingdom, and that agent is entitled as against the owner of the copyright to deduct any sum by way of commission in respect of services rendered, the amount of the payment shall for the purpose of Rule 21 of the general rules be taken to be the amount thereof as diminished by the sum which the agent is so entitled to deduct:

Provided that, where the person by or through whom any such payment is made does not know that any such commission is payable or does not know the amount thereof, any tax deducted by or assessed and charged on him shall be computed in the first instance on, and the account to be delivered of the payment shall be an account of, the total amount of the payment without regard being had to any diminution thereof, and in that case, on proof of the facts to the satisfaction of the special commissioners, there shall be made to the agent on behalf of the owner of the copyright such payment of tax as is proper in respect of the sum deducted by way of commission.

(2) Subsection (1) of this section shall apply to payments made after the fifth day of April, nineteen

hundred and thirty, and any tax deducted in relation to any such payment made before the passing of this Act in excess of the tax which it would have been proper to deduct if this section had been in force shall be made good, and, on proof of the facts to the satisfaction of the special commissioners, any corresponding excess of tax which has been paid shall be repaid.

(3) The time of the making of a payment to which section twenty-five of the Finance Act, 1927, applies shall, for all the purposes of the Income Tax Acts, be taken to be the time when it is made by the person by whom it is first made and not the time when it is made by or through any other person.

Amendment of s. 32 of 11 & 12 Geo. 5. c. 32.

19. Section thirty-two of the Finance Act, 1921 (which grants exemption from income tax in respect of the income of certain superannuation funds), shall have effect as if for paragraph (*b*) in subsection (3) thereof there were substituted the following paragraph :—

> "(*b*) The fund has for its sole purpose the provision of annuities for all or any of the following persons in the events respectively specified, that is to say, for persons employed in the trade or undertaking, either on retirement at a specified age, or on becoming incapacitated at some earlier age, or for the widows, children, or dependants of persons who are or have been so employed, on the death of those persons."

Exemption from income tax of income arising from office or employment of consul or official agent.

20.—(1) Subject to the provisions of this section, income arising from any office or employment to which this section applies shall be exempt from income tax, and no account shall be taken of any such income in estimating the amount of income for any of the purposes of the Income Tax Acts.

(2) The offices and employments to which this section applies are the following, that is to say :—

(*a*) the office of a consul in the United Kingdom in the service of any foreign state;

(*b*) the employment of an official agent in the United Kingdom for any foreign state, not being an employment exercised by a British subject or exercised in connection with any trade, business or other undertaking carried on for the purposes of profit.

PART II. —*cont.*

(3) In this section the expression "consul" means a person recognised by His Majesty as being a consul-general, consul, vice-consul or consular agent, and the expression "official agent" means a person not being a consul, who is employed on the staff of any consulate, official department or agency of a foreign state, not being a department or agency which carries on any trade, business or other undertaking for the purposes of profit.

Relief in respect of unoccupied tenements in houses let in different tenements.

21. If, on an application made to the Commissioners of Inland Revenue not later than twelve months after the end of any year of assessment it is shown to the satisfaction of the said Commissioners that any apartment or tenement in any house or building let in different apartments or tenements and occupied by two or more persons severally was unoccupied during that year or any part of that year, the said Commissioners shall cause such relief to be given from tax charged under Schedule A in respect of that house or building as appears to them to be just and shall, where necessary, direct repayment to be made of any tax which has been overpaid.

Applications by spouses for separate assessment to income tax or sur-tax to have effect until revoked.

22.—(1) Subject to the provisions of this section an application duly made, whether before or after the passing of this Act, by a husband or a wife—

(*a*) under Rule 17 of the general rules for separate assessment to income tax for the year 1930–31 or any subsequent year of assessment; or

(*b*) under subsection (9) of section forty-two of the Finance Act, 1927, for separate assessment to sur-tax for the year 1929–30 or any subsequent year of assessment;

shall have effect not only as respects the year of assessment for which it is made but also for any subsequent year of assessment.

(2) A person who has made any such application as is mentioned in the last preceding subsection for any year of assessment may give for any subsequent year of assessment a notice to withdraw that application, and where such a notice is given the application shall not have effect with respect to the year for which the notice is given or any subsequent year.

(3) A notice of withdrawal under this section shall be in such form and shall be made in such manner as

may be prescribed by the Commissioners of Inland Revenue, and shall not be valid unless it is given within the period allowed by law for making, for the year for which the notice is given, applications similar to that to which the notice relates.

Power of special commissioners to obtain copies of registers of securities.

23.—(1) The special commissioners may cause to be served upon any body corporate a notice requiring them to deliver to those commissioners within a specified time, being not less than twenty-one days, a copy, certified by a duly authorised officer of such body, of the whole of, or any specified class of entries in, any register containing the names of the holders of any securities issued by them.

(2) On delivery of the copy in accordance with the notice payment shall be made therefor at the rate of five shillings in respect of each one hundred entries.

(3) A notice under this section may be served by post.

(4) Where a notice served under this section is not complied with, the body in question shall, unless it is proved to the satisfaction of the court that it was not reasonably possible to comply with the notice, be liable to a penalty not exceeding fifty pounds and if after judgment has been given for that penalty the copy still remains undelivered, shall be liable to a further penalty of the like amount for every day during which the default continues.

(5) In this section the expression " security " includes shares, stock, debentures and debenture stock and the expression " entry " means, in relation to any register, so much thereof as relates to the securities held by any one person.

Provision as to collection of tax where appeal pending against assessment.

24. Notwithstanding that an appeal to the special commissioners is pending against an assessment to income tax under Schedule D, to super-tax or to sur-tax, such part of the tax assessed as appears to the special commissioners not to be in dispute shall be collected and paid in all respects as if it were tax charged by an assessment in respect of which no appeal was pending, and on the determination of the appeal any balance of tax chargeable in accordance with the determination shall be

Part II. —*cont.*

paid, or any tax overpaid shall be repaid, as the case may require.

Amendment of law relating to summary recovery of income tax.

25.—(1) All or any of the sums due in respect of income tax from any one person and payable to any one collector (being sums which are by law recoverable summarily) may, whether or not they are due under one assessment, be included in the same complaint, summons, order, warrant or other document required by law to be laid before justices or to be issued by justices, and every such document as aforesaid shall, as respects each such sum, be construed as a separate document and its invalidity as respects any one such sum shall not affect its validity as respects any other such sum.

(2) Where the income tax due under any assessment is payable by instalments and the sum for the time being due and payable in respect of any of those instalments is less than fifty pounds, that sum shall be recoverable summarily under section thirty of the Finance Act, 1924, notwithstanding that the total sum for the time being due and payable under the assessment is equal to or exceeds fifty pounds, and it is hereby declared that the reference in section twenty-two of the Finance Act, 1928, to the provisions of the Income Tax Acts includes a reference to this subsection.

(3) If a collector, who has commenced summary proceedings for the recovery of any income tax, dies or otherwise ceases for any reason to hold office as such, the proceedings may be continued in his name by any of his successors.

In cases to which this subsection applies notice of the change shall as soon as may be be given by the successor to the person against whom the proceedings are pending.

Limitation on amount of sur-tax payable in respect of total income of individual dying within year of assessment.

26.—(1) The amount of sur-tax payable in respect of the total income of an individual for the year of assessment in which he dies shall not exceed the amount of sur-tax which would have been payable if income tax had been chargeable for that year at the same rates as for the year preceding that year, and all such adjustments and repayments of tax shall be made as may be required in order to give effect to the provisions of this section.

(2) This section shall apply as respects sur-tax charged for the year 1929–30 or for any subsequent year.

Valuation, Parishes for Purposes of Assessment, Values in London, &c.

27.—(1) There shall be a quinquennial revaluation of all properties in Great Britain in respect of which income tax is chargeable under Schedules A and B, and accordingly the annual values of all such properties shall be determined afresh for the purpose of assessment for the year 1931–32, and for each fifth succeeding year of assessment, in accordance with the enactments and rules applicable to the said Schedules respectively as modified by the next succeeding section.

Valuation for purposes of Schedules A and B to be made quinquennially in Great Britain.

(2) A year of assessment for which a revaluation of properties is directed by this section to be made is in this Act referred to as "a year of revaluation," and may be so referred to in any subsequent enactment relating to income tax and the year preceding a year of revaluation is in this Act referred to as "the preparatory year."

(3) The annual value of any property which has been adopted for the purpose of income tax under Schedules A and B for any year of assessment shall be taken as being the annual value of that property for the same purpose for the next year of assessment, unless that year is a year of revaluation.

28.—(1) The provisions of this section, and, subject as hereinafter provided, the provisions of the First Schedule to this Act, shall have effect, so far as regards England, for the purposes of enabling the annual values of properties on which assessments are to be based for a year of revaluation to be determined during the preparatory year and of enabling assessments to income tax under Schedules A and B for a year of revaluation to be made as soon as may be after the commencement of that year, and for those purposes all things necessary to be done for determining the said annual values, and all things preliminary to the making of any such assessments, may be done as well at any time during the preparatory year as at any time during the year of revaluation:

Provisions for expediting in England valuations and assessments for years of revaluation.

Provided that the provisions contained in Part I of the First Schedule to this Act shall not apply as regards the administrative county of London.

Part II. —*cont.*

(2) The assessments to income tax under Schedules A and B for a year of revaluation shall, so far as may be, be made on the basis of the annual values determined in accordance with this section and the Schedule therein referred to for the preceding year:

Provided that any person who proves to the satisfaction of the General Commissioners that the annual value for a year of revaluation of any property in respect of which he has been assessed for that year is less than the annual value on which the assessment was based, shall be entitled to a reduction of the assessment to an amount based on the annual value for the year of revaluation estimated in accordance with the enactments and rules applicable to assessments under Schedule A or Schedule B, as the case may be.

Parishes for purposes of assessment in England. 19 Geo. 5. c. 17.

29.—(1) Notwithstanding anything contained in the Local Government Act, 1929, the parishes for which assessments of income tax were made and for which assessors and collectors were appointed for the year 1929–30 shall be parishes for the same purposes for the year 1930–31, without prejudice, however, to the validity of any order made before the commencement of this Act under section ninety-three of the Income Tax Act, 1918, for the union of any such parishes.

(2) Subject to the provisions of the last preceding subsection, section ninety of the Income Tax Act, 1918, shall, as from the first day of April, nineteen hundred and thirty, have effect as if for subsection (1) thereof (which defines parishes for purposes of assessment by reference to parishes for the purposes of poor law administration) the following subsection were substituted, that is to say:—

> "(1) Subject to the provisions of this subsection, the parishes for which assessments of the tax are to be made and for which assessors and collectors are to be appointed shall in England, elsewhere than in the City of London, be the parishes for the time being existing for the purposes of local government administration.
>
> "No alteration of a parish for the purposes of local government administration shall take

effect for the purposes of this Act until the date hereinafter mentioned, that is to say—

(i) in the case of a parish outside the administrative county of London, the commencement of the next year of assessment which is a preparatory year:

Provided that for purposes relating to the assessment and collection of tax (including the appointment of assessors and collectors) for that year, the parish shall be deemed to continue unaltered:

(ii) in the case of a parish in the administrative county of London, the commencement of the next year of assessment which is a year of revaluation.

" In this subsection the expression 'parish ' for the purposes of local government ad- ' ministration' means, in the case of the administrative county of London, a parish as defined in section five of the Interpretation Act, 1889, and elsewhere, a parish as defined in section sixty-eight of the Rating and Valuation Act, 1925, for the purposes of any Act other than that Act; and the expression 'a year of revaluation' means a year for which the annual values of properties in respect of which income tax is chargeable under Schedules A and B are required to be determined afresh."

52 & 53 Vict. c. 63.

15 & 16 Geo. 5. c. 90.

(3) In subsection (2) of the said section ninety (which relates to parishes not wholly comprised within the jurisdiction of one body of general commissioners) after the words "within that jurisdiction" there shall be inserted the words "but before any such order is " made the parish may, under the next succeeding " subsection, be divided into districts, and each district " of a parish so divided shall be treated as a parish for " the purposes of this subsection."

(4) In subsection (3) of the said section ninety (which relates to the division of large parishes) the words "body or bodies of" shall be inserted before the words "general commissioners," and at the end

Part II. —*cont.*

of the subsection there shall be inserted the words—"The division or redivision of a parish under this "subsection, or the alteration of any such division, "shall not affect any existing power of appointing a "collector or collectors to act for or within the parish."

(5) In subsection (1) of section thirty of the Finance Act, 1927 (which amends section eighty-four of the Income Tax Act, 1918, as regards the appointment of collectors) the words "local government administration" shall be substituted for the words "poor law administration."

Appointment of general commissioners in Scotland.

30. For paragraph (*e*) of subsection (6) of section fifty-nine of the Income Tax Act, 1918 (which relates to the appointment of general commissioners) there shall be substituted the following paragraph,—

"(*e*) In Scotland, the council of any county and the Lord Provost and Bailies whose area of municipal jurisdiction comprises the division of the Ancient Royalty of Edinburgh, or the division of the City of Glasgow, shall, whenever required so to do by notice from the Commissioners of Inland Revenue addressed to the County Clerk or the Town Clerk, as the case may be, choose by a majority, and set down in writing in order determined by the majority, the names of a sufficient number of such persons resident in the division specified in the notice aforesaid as are qualified, and are fit and proper persons, to act as general commissioners for the said division; and those persons shall in the order in which they are set down in the list, subject to the limit as to number hereinbefore prescribed, be general commissioners, or be added to the list to supply vacancies, as the case may require.

"In the case of a county council, the persons to act as general commissioners shall be chosen at the first general meeting of the council which is summoned after the receipt by the County Clerk of the notice aforesaid, and the notice summoning that meeting shall specify the choice of persons to act as general commissioners as an item of business to be transacted at that meeting.

"In the case of the Ancient Royalty of Edinburgh and the City of Glasgow, respectively, the Town Clerk shall convene a special meeting of the Lord Provost and Bailies for the purpose of choosing persons to act as general commissioners, and such meeting shall be held not later than three months after the receipt by the Town Clerk of the notice from the Commissioners of Inland Revenue."

Annual value of property in London for purposes of income tax.

31.—(1) As from the sixth day of April, nineteen hundred and thirty-one, section forty-five of the Valuation (Metropolis) Act, 1869, shall cease to have effect in so far as it provides that the valuation list for the time being in force shall be conclusive evidence of values for the purposes of the Income Tax Acts, and as from the said date the annual value of any property in the administrative county of London shall, for the purposes of those Acts and subject to the provisions of this Act, be ascertained in accordance with the enactments applicable in the case of properties situate elsewhere in England.

(2) Notwithstanding anything in this section or any repeal effected by this Act, any amount paid by way of income tax in respect of the year 1930–31 or any previous year of assessment shall be subject to adjustment under section forty-four, or paragraph (10) of section forty-seven, of the Valuation (Metropolis) Act, 1869, in the like cases and manner and with the like consequences as if all the provisions of that Act had continued in force.

Provisions with respect to returns, copies of valuation lists and tax assessments in London.

32.—(1) When the assessment committee of any assessment area in the administrative county of London have in the year nineteen hundred and thirty, or any subsequent year, finally approved a new valuation list for that area, or any part thereof, the clerk of the committee shall, so soon as may be, and in any case before the first day of April next following the final approval of the list, transmit to the surveyor of taxes of the district which includes that area, or part of an area, all returns made in pursuance of sections fifty-five and fifty-six or in pursuance of section fifty-seven of the

Part II. —*cont.*

Valuation (Metropolis) Act, 1869, and where any such return so transmitted to the surveyor contains all particulars necessary for making a correct assessment to income tax in respect of the annual value of the property to which it relates, it shall be deemed to be a statement of the annual value thereof made for the purposes of assessment under Schedules A and B of the Income Tax Act, 1918.

(2) In the said section fifty-five, for the words from "such statement" to the end of the section there shall be substituted the words "a return in such form as may "be prescribed by the Minister of Health, in pursuance of "his powers in that behalf, and containing such particulars "as may be reasonably required for the purpose of carrying "out this Act and the Acts incorporated therewith."

(3) Returns transmitted to a surveyor of taxes in accordance with subsection (1) of this section may be retained by him until the first day of July next following the first day of April referred to in that subsection, but the clerk of the assessment committee shall be entitled at any time to have access to those returns and to require that any particular return which he may need for the performance of his duties shall be redelivered to him.

(4) The provisions of subsections (2) and (3) of section forty-three of the Rating and Valuation Act, 1925 (which relate to the furnishing of copies of lists and of tax assessments) shall extend to the administrative county of London, with the substitution in the said subsection (2) of the words "to be a true copy or extract" for the words "in accordance with this section," and with the substitution in the said subsection (3) of the words "The London County Council and any assessment committee, or" for the words "Any county valuation committee, assessment committee, or".

PART III.

ESTATE DUTY.

Rates of Estate Duty.

Amended rates of estate duty.

33. The scale set out in the Second Schedule to this Act shall in the case of persons dying after the commencement of this Act be substituted for the scale

Part III. —*cont.*

set out in the Fourth Schedule to the Finance Act, 1925, as the scale of rates of estate duty:

57 & 58 Vict. c. 30.

Provided that, where an interest in expectancy within the meaning of Part I of the Finance Act, 1894 (in this Part of this Act referred to as "the principal Act"), in any property (other than property deemed to pass on a death by virtue of the provisions of the next succeeding section but one of this Act) has, before the fourteenth day of April, nineteen hundred and thirty, been bona fide sold or mortgaged for full consideration in money or money's worth, then no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than would have been payable if this Part of this Act had not passed, and in the case of a mortgage any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

Companies.

Estate duty where property of deceased has been transferred to a company.

Sections 34 to 38 of th Act are amended by the Fina Act 1938. s 49.

34.—(1) On the death after the commencement of this Act of any person who has, at any time after the thirty-first day of July, nineteen hundred and eighteen—

(i) made to a company to which this Part of this Act applies, whether directly or indirectly, any such transfer as is specified in subsection (2) of this section; and

(ii) received within the prescribed period out of the resources or at the expense of the company, whether directly or indirectly, any such benefit as is so specified,

there shall be computed for each accounting year falling wholly or partly within the prescribed period the proportion which the total value of the benefits so received in the accounting year bears to the total income of the company in the accounting year, and, if the average of the proportions so computed exceeds fifty per cent., there shall for the purposes of estate duty be deemed to pass on the death (over and above any other property which passes or is deemed to pass thereon), such sum of money not exceeding the value of the total assets of the company as bears to the said value the same proportion as the said average proportion:

Part III. —*cont.*

Provided that—

(*a*) the sum computed as aforesaid shall be reduced by the amount, if any, by which the principal value at the date of death—

(1) of the subject of the transfer; or

(2) if the subject of the transfer has been sold or exchanged by the company, either of the subject of the transfer or of the property in the hands of the company which is or represents the proceeds of the sale or exchange

is shown to the satisfaction of the Commissioners of Inland Revenue to fall short of the said sum; and

(*b*) notwithstanding anything in this section, the value of any property or any interest in property shall not be taken into account, directly or indirectly, for the purpose of assessment of estate duty more than once on the same death; and

(*c*) if the total assets of the company comprise any property which is by virtue of the next succeeding section deemed to pass on the death, there shall in computing the said proportions and ascertaining the sum of money, if any, which is deemed to pass by virtue of this section, be subtracted—

(1) from the value of the total assets of the company, the value of the said property as ascertained for the purposes of the next succeeding section;

(2) from the total income of the company in every accounting year and also from the total value of the benefits received by the deceased therein, a sum equal to so much of that total income as is ascribable to—

(i) that property; or

(ii) in a case where that property is deemed to pass as being or representing the proceeds of any other property, that other property or the proceeds thereof or any property representing those proceeds.

(2) The transfers referred to in the preceding subsection are transfers, whether made for consideration or not, of property (being property which, if it had been in the disposition of the deceased at his death, would have been property in respect of which estate duty would have been payable on the death) or any interest in any such property, other than— **Part III. —*cont.***

(*a*) bona fide sales where the consideration for the sale was received or receivable wholly by the deceased for his own use or benefit and was satisfied or to be satisfied in one or more of the following manners, that is to say, by a capital sum of a fixed amount or by shares in or debentures of the company;

(*b*) transfers of or incidental to the transfer of a business, not being a business which substantially consists in holding, managing, developing or dealing in land situate in Great Britain;

(*c*) transfers of, or of any interest in, property which by virtue of the next succeeding section is deemed to pass on the death;

(*d*) transfers of patents or copyrights, or of any moveable tangible property except money and securities;

(*e*) transfers where either the deceased or the company is acting in the capacity of trustee, factor, agent, receiver, or manager;

and the benefits so referred to are—

(i) any payments made, whether for consideration or not, to or for the benefit of the deceased, other than the following payments, that is to say:—

(1) dividends in respect of shares in the company;

(2) interest on, and repayments in respect of, money lent to the company;

(3) payments of or on account of purchase money under a bona fide sale, where that purchase money is a capital sum of a fixed amount;

(4) payments of or on account of royalties, not being royalties limited to cease at the death of the deceased:

(ii) any right in or enjoyment of any land.

Part III. —*cont.*

(3) In ascertaining for the purposes of this section the value of a benefit—

(*a*) in the case of a benefit consisting of a payment, a deduction shall be made in respect of any income tax (other than sur-tax) paid or borne by the deceased in respect of that payment; and

(*b*) the value of a benefit consisting of any right in or enjoyment of land shall be computed by reference to the annual value of that land as ascertained for purposes of income tax, due allowance being made in respect of any rent paid by the deceased.

(4) In ascertaining for the purposes of this section the total income for any accounting year of a company, the income of the company from any source shall be computed in accordance with the provisions of the Income Tax Acts relating to the computation of income from such a source, subject to the modification that the computation shall be made by reference to the actual income for the accounting year and not by reference to the income for any other period:

Provided that—

(*a*) no deduction shall be made in respect of any payment made to or for the benefit of, or any other benefit accorded to, the deceased, except dividends on preference shares in, and interest on money lent to, the company; and

(*b*) subject to the provisions of the last preceding paragraph, deductions shall be made for—

(i) income tax paid or borne by the company; and

(ii) interest on money lent to the company; and

(iii) dividends on preference shares; and

(iv) rents, royalties and other payments by the company on which income tax is deducted at source.

(5) Where the accounting years falling wholly or partly within the prescribed period do not coincide with the periods for which the accounts of the company are made up, the Commissioners of Inland

Revenue may for the purpose of ascertaining the total income of the company for an accounting year divide any of the said periods and make such apportionments and aggregations of the income of the company as may be necessary, so, however, that any apportionments so made shall be made in proportion to the number of months or fractions of months in the respective periods for which the apportionment is made.

(6) In this section—

The expression "accounting year,"—

(*a*) in relation to a company which at the time of the death of the deceased person has made up accounts for a period of twelve months ending on a date within the twelve months next preceding the death, means a period of twelve months ending either on that date, or on the same day of the year in any previous year; and

(*b*) in relation to any other company, means a period of twelve months ending on such date within the twelve months next preceding the death as may be determined by the Commissioners of Inland Revenue or on the same day of the year in any previous year; and

The expression "the prescribed period" means the period which—

(i) ends on the date on which the last accounting year ends; and

(ii) begins three years before that date, or, if the company in question was not then in existence, on the day on which the company came into existence.

(7) Property which is deemed to pass on a death by virtue of the provisions of this section shall, notwithstanding anything in any Act, be an estate by itself, and shall not be aggregated with any other property.

Estate duty where property in which deseased had a

35.—(1) Where at any time before the death of a person dying after the commencement of this Act any property in which the deceased had an estate or interest limited to cease at his death, was transferred by the

Part III. *—cont.*

life-interest is transferred to a company.

deceased and the person interested in the remainder or reversion, whether directly or indirectly, and whether by one or more transactions, to or for the benefit of a company to which this Part of this Act applies, then unless—

(*a*) the transfer was made before the first day of August, nineteen hundred and eighteen; or

(*b*) the property was settled property and the interest of the deceased would in any case have failed by reason of his death before it would have become an interest in possession; or

(*c*) the share of the consideration payable to the deceased in respect of the transfer was satisfied otherwise than by an allotment of shares in the company or the grant to him by the company of an annuity or other right to receive periodical payments, not being payments on account of purchase money being a capital sum of fixed amount; or

(*d*) the deceased had at least three years before his death relinquished all interest in the property and had not at any time within those three years the possession or enjoyment (otherwise than under a lease or agreement for a lease at a rack rent) of any part thereof or of any benefit secured to him, whether by contract or otherwise, in relation to the relinquishment of his interest therein, and was not at any time within the said period in receipt of or entitled to any payment from the company, otherwise than in respect or on account of debentures or loans or purchase money being a capital sum of a fixed amount,

the property shall be deemed for the purposes of estate duty to pass on the death in like manner as if the estate or interest of the deceased therein had continued until the death:

Provided that where the property or any part thereof has been bona fide sold or exchanged by the company during the deceased's life time for full consideration in money or money's worth, the property or so much thereof as has been so sold or exchanged shall not be deemed to pass on the death, but in lieu thereof the proceeds of the sale or exchange or, as the case may be, the property which, at the time of death, represents those proceeds shall be deemed so to pass.

(2) In determining the value of any property deemed to pass under this section, there shall be deducted from the principal value thereof—

(*a*) so much of any sum borrowed by the company as has been applied by the company in the improvement of the property, and has not at the death been repaid by the company;

(*b*) a sum equal to the capital sum of money paid to the deceased as part of the consideration for the transfer; and where estate duty is payable in connection with the death on any shares of or debentures in the company, a sum equal to the principal value of such of those shares or debentures as were transferred or allotted to the deceased in consideration of the transfer of the property.

(3) Property which is deemed to pass on a death by virtue of the provisions of this section shall, notwithstanding anything in any Act, be an estate by itself, and shall not be aggregated with any other property.

Charge of duty and powers of recovery.

36.—(1) The estate duty payable in respect of any property which is by virtue of the provisions of the two last preceding sections deemed to pass on the death of any person shall be a debt due from the company concerned to His Majesty.

(2) The company concerned shall be accountable for any such duty and shall, for the purpose of raising and paying that duty, have all the powers conferred on accountable persons by the principal Act, and if the duty or any part thereof is paid by the executor of the deceased it shall be repaid to him by the company.

(3) Where on the death of any person a claim for duty arises by virtue of any of the provisions of the two last preceding sections, the company concerned shall notify the Commissioners of Inland Revenue of the death of the said person, and any company wilfully failing to give such a notification shall be liable to a penalty not exceeding five hundred pounds.

PART III. —*cont.*

(4) The Commissioners of Inland Revenue may, for the purposes of carrying the two last preceding sections and the next following section of this Act into effect, require any company to which this Part of this Act applies to furnish to them within two months copies of such of the balance sheets and profit and loss or income and expenditure accounts, and such other particulars, as the Commissioners may reasonably require, and if any company fails to comply with the provisions of this subsection—

(i) the company shall be liable to a penalty not exceeding five hundred pounds, and every director, manager, secretary or other officer of the company who knowingly and wilfully authorises or permits the failure shall be liable to the like penalty; and

(ii) an order may be made against all or any of the directors of the company requiring them to comply with the requirements of the Commissioners in like manner as an order may be made against any person who is accountable for succession duty or legacy duty to deliver an account and the provisions of section fifty-five of the Crown Suits, &c. Act, 1865, and in Scotland the provisions of section forty-seven of the Succession Duty Act, 1853, shall apply accordingly, subject to the necessary modifications.

28 & 29 Vict. c. 104.

16 & 17 Vict. c. 51.

Valuation of shares in certain companies.

37.—(1) Where there pass on the death of any person dying after the commencement of this Act, any shares (not being preference shares) in any company to which this Part of this Act applies, then if either—

(*a*) there is deemed by virtue of the provisions of this Part of this Act to pass on the death a sum of money computed by reference to the value of the total assets of the company; or

(*b*) the control of the company was immediately before the death in the hands of the deceased;

the principal value of those shares for the purposes of estate duty shall not be ascertained in the manner provided by subsection (5) of section seven of the principal Act, but shall be ascertained by reference to the value of the total assets of the company:

Provided that in cases falling within paragraph (*a*) of this subsection, the value of the total assets of the company shall, for the purposes of this section, be deemed to be reduced by the sum of money therein referred to.

(2) For the purposes of this section the control of a company shall be deemed to be in the hands of a person if—

(*a*) by virtue of the shares which he controls he has control of more than half the voting power of the company; or

(*b*) he has by virtue of the provisions in the memorandum of association or articles of the company, or other instrument whatsoever constituting or defining the constitution of the company, the powers of a board of directors or of a governing director or the right to nominate a majority of the directors or the power to veto the appointment of a director, or powers of the like nature; or

(*c*) he has otherwise the right to receive, or the power to dispose of, more than half of the income of the company.

(3) This section shall not apply to shares which have, within the period of twelve months immediately preceding the death of the deceased, been the subject of dealings on a recognised stock exchange in the United Kingdom or been quoted in the official list of such a stock exchange.

Interpretation.

38. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

"Company to which this Part of this Act applies" means any body corporate wheresoever incorporated, which either—

(i) is so constituted as not to be controlled by its shareholders or by any class thereof; or

(ii) has not issued to the public, or, in the case of a company which is about to make an issue of shares to the public, will not, when it has made that issue, have issued to the public, more than half of the shares by the holders whereof it is controlled:

PART III. —*cont.*

"Share" includes any interest whatsoever in a company, by whatsoever name it is called, analogous to a share, and the expression "shareholder" shall be construed accordingly:

"Preference share" means a share the holder whereof is entitled to a dividend at a fixed rate only:

"Value of the total assets of the company" means the principal value, ascertained in accordance with the provisions of subsection (5) of section seven of the principal Act, of all the assets of the company as a going concern, including goodwill, after deducting therefrom—

(i) the par or redemption value, whichever is the greater, of any debentures, debenture stock and preference shares of the company;

(ii) all debts of the company incurred or created bona fide for consideration in money or money's worth;

(iii) such sum as on a just and fair computation represents any future or contingent liabilities of the company or any liabilities thereof which are uncertain in amount;

(iv) the amount of any reserve fund separately invested which is bona fide intended to be applied in payment of pensions to employees or otherwise for the benefit of them or their dependents or relatives, and in no other manner.

Miscellaneous.

Death duties on property subject to an annuity which has been surrendered.

39. In the case of a person dying after the commencement of this Act, property which was subject to an annuity or other periodical payment limited to cease on the death of the deceased shall, for the purposes of the principal Act be deemed to pass on the death of the deceased to the extent of the benefit which would accrue from the cesser of that annuity or other payment notwithstanding that the annuity or other payment has been surrendered, assured, divested or otherwise disposed of during the lifetime of the deceased, whether for value or not, to or for the benefit of the person entitled to the property, unless the surrender, assurance, divesting or disposition was bona fide made or effected three years before the death of the deceased and the person entitled to the annuity or other payment was not at any time within that period in receipt of any substituted annuity or other periodical payment limited to cease on his death, being an annuity or payment which was secured, whether by contract or otherwise, to him in return for the surrender, assurance, divesting or disposition.

Exemption from death duties of objects of national, scientific, historic or artistic interest.

40.—(1) Where there pass on the death of a person dying after the commencement of this Act any objects to which this section applies, the value of those objects shall not be taken into account for the purpose of estimating the principal value of the estate passing on the death or the rate at which estate duty is chargeable thereon, and those objects shall, while enjoyed in kind, be exempt from death duties.

(2) In the event of the sale of any objects to which this section applies, death duties shall, subject as hereinafter provided, become chargeable on the proceeds of sale in respect of the last death on which the objects passed and, as respects estate duty, at the rate appropriate to the principal value of the estate passing on that death upon which estate duty is leviable, and with which the objects would have been aggregated if they had not been objects to which this section applies, and the person by whom or for whose benefit the objects were sold shall be accountable for the duties and shall deliver an account for the purposes thereof within one month after the sale:

Provided that death duties shall not become chargeable as aforesaid if the sale is to the National Gallery, British Museum, or any other similar national institution, any university, county council or municipal corporation in Great Britain, or the National Art Collections Fund.

(3) The objects to which this section applies are such pictures, prints, books, manuscripts, works of art, scientific collections or other things not yielding income as on a claim being made to the Treasury under this

Part III. —*cont.*

section appear to them to be of national, scientific, historic or artistic interest.

(4) Nothing in this section shall affect the power of the Treasury under subsection (2) of section fifteen of the principal Act to remit death duties chargeable in respect of any objects to which that section applies.

PART IV.

STAMPS.

Amendment of s. 55 of 17 & 18 Geo. 5. c. 10.

41. Section fifty-five of the Finance Act, 1927 (which grants relief from capital and transfer stamp duty in cases of reconstruction or amalgamation of companies) shall—

(1) as from the commencement of this Act have effect as if the words " in respect of which stamp duty has been paid " in subsection (1) A (i) of the said section were not contained therein; and

(2) be deemed to have had effect up to the commencement of this Act as if after the said words there had been inserted the words " or relief " has been allowed under the provisions of this " section."

Relief from transfer stamp duty in case of transfer of property as between associated companies. 54 & 55 Vict. c. 39.

42.—(1) Stamp duty under the heading " Conveyance or Transfer on Sale " in the First Schedule to the Stamp Act, 1891, shall not be chargeable on an instrument to which this section applies:

Provided that no such instrument shall be deemed to be duly stamped unless either it is stamped with the duty to which it would but for this section be liable, or it has in accordance with the provisions of section twelve of the said Act been stamped with a particular stamp denoting either that it is not chargeable with any duty or that it is duly stamped.

(2) This section applies to any instrument as respects which it is shown to the satisfaction of the Commissioners of Inland Revenue—

(*a*) that the effect thereof is to convey or transfer a beneficial interest in property from one company with limited liability to another such company; and

Part IV. —*cont.*

(*b*) that either—

(i) one of the companies is beneficial owner of not less than ninety per cent. of the issued share capital of the other company; or

(ii) not less than ninety per cent. of the issued share capital of each of the companies is in the beneficial ownership of a third company with limited liability.

Abolition of stamp duty on copies and extracts of probate, letters of administration and confirmation.

43. The stamp duty chargeable on copies or extracts, attested or in any manner authenticated, of or from the probate or probate copy of a will or codicil or of or from any letters of administration or confirmation of a testament shall cease to be chargeable.

Exemption from stamp duty on receipts.

44. The following exemptions shall be substituted for exemptions numbered (14) and (15) under the heading "Receipt given for, or upon payment of, money "amounting to two pounds or upwards," in the First Schedule to the Stamp Act, 1891, as extended by section eight of the Revenue Act, 1898:—

61 & 62 Vict. c. 46.

"(14) Receipt given by or on behalf of an officer of a county court, or, in Scotland, by or on behalf of a Sheriff Clerk, for money received by him from a party to any proceedings in court.

(14(a)) Receipt given in respect of any sum payable as compensation under the Workmen's Compensation Act, 1925.

15 & 16 Geo. 5. c. 84.

(15) Receipt given by or on behalf of a clerk to justices or a magistrate or other person authorised to receive such payment, or in Scotland, any clerk of court of any Court of Summary Criminal Jurisdiction as defined by the Summary Jurisdiction (Scotland) Act, 1908, or other authorised person, for money received in respect of a fine or other sum ordered to be paid by a court of summary jurisdiction, or as bail."

8 Edw. 7. c. 65.

Remission of stamp duty in respect of capital of certain companies.

45.—(1) The stamp duty payable under section one hundred and twelve of the Stamp Act, 1891 (which section imposes duties on the capital of limited liability companies), on the statement of the amount which was to form the nominal share capital of Imperial and International Communications Limited, and the stamp duty payable under that section on the statement of the increase of the

54 & 55 Vict. c. 39.

Part IV. —*cont.*

registered capital of that company which was effected by the resolution of the company passed on the nineteenth day of December, nineteen hundred and twenty-nine, are hereby remitted, and any sums paid in respect thereof shall be repaid to the company.

(2) The said section one hundred and twelve shall not apply to the Bankers Industrial Development Company Limited, and any sums paid under that section in respect of that company shall be repaid to the company.

PART V.

NATIONAL DEBT.

Transfer of sums from Rating Relief Suspense Account to Exchequer.

46. There shall, in accordance with the directions of the Treasury, be transferred to the Exchequer from the Rating Relief Suspense Account:—

(*a*) in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-one, the sum of sixteen million pounds; and

(*b*) in the next following financial year the balance remaining in the said account.

Temporary additions to New Sinking Fund.

47. There shall be issued out of the Consolidated Fund or the growing produce thereof at such times and in such manner as the Treasury may from time to time direct, so, however, that the whole amount to be issued in respect of any year shall be issued in that year, the sums following, that is to say:—

In the financial year ending on the thirty-first day of March, nineteen hundred and thirty-one, the sum of five million pounds:

In the financial year ending on the thirty-first day of March, nineteen hundred and thirty-two, the sum of five million pounds:

In the financial year ending on the thirty-first day of March, nineteen hundred and thirty-three, the sum of four million five hundred thousand pounds;

and the sums so issued shall be applied in the same manner as the New Sinking Fund (1928).

Part V. —*cont.*

Provision in the case of deficit in any year for redemption in the next year of a corresponding amount of debt. 38 & 39 Vict. c. 45.

48. If it appears by the account of the public income and expenditure of the United Kingdom prepared under section four of the Sinking Fund Act, 1875, for the financial year ending the thirty-first day of March, nineteen hundred and thirty-one, or for any subsequent financial year, that expenditure was in excess of income, there shall in the next financial year be issued out of the Consolidated Fund or the growing produce thereof at such times in that year and in such manner as the Treasury may from time to time direct, a sum equal to the excess, and the sums so issued shall be applied in the same manner as the New Sinking Fund (1928).

Amendment of Part VII of National Debt Act, 1870. 33 & 34 Vict. c. 71.

49.—(1) Part VII of the National Debt Act, 1870, shall have effect as if the capital sums secured on bearer bonds issued under the War Loan Acts, 1914 to 1919, were stock within the meaning of the said Part VII and as if the bonds and coupons attached thereto were respectively stock certificates and coupons issued under the National Debt Act, 1870.

(2) For the purposes of this section a bond shall be deemed to have been issued if it has been made out and paid for, notwithstanding that it has not been taken up by the person entitled thereto.

Amendment of s. 37 of Finance Act, 1917. 7 & 8 Geo. 5. c. 31.

50. Section thirty-seven of the Finance Act, 1917 (which contains provisions for facilitating dealings with Government stock) shall, in its application to Scotland, have effect as if the expression "notary public" in the said section included a law agent.

Part VI.

Miscellaneous and General.

Bank for International Settlements to be exempt from taxation.

51. The Bank for International Settlements shall not be liable to any taxation, present or future, in respect either of the capital amount of, or of any income arising from, any part of the funds or investments of the Bank which result from payments made by the Government of the German Reich under the agreement entered into at the Hague on the twentieth day of January, nineteen hundred and thirty, between the Government of the German Reich and certain other

PART VI. —*cont.*

Governments, including the Government of the United Kingdom.

Amendment of s. 38 of 8 & 9 Geo. 5. c. 15.

52. Section thirty-eight of the Finance Act, 1918, which makes provision for dealing with small amounts of Government stock belonging to deceased persons shall have effect, and be deemed always to have had effect, as if the reference in subsection (1) thereof to war stock were a reference to any stock which may be inscribed in the Post Office Register.

Construction, short title, application and repeal. 39 & 40 Vict. c. 36.

53.—(1) Part I of this Act so far as it relates to duties of customs shall be construed as one with the Customs Consolidation Act, 1876 (except that the expression "the United Kingdom" in this Act shall not include the Isle of Man), and so far as it relates to duties of excise shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties.

(2) Part II of this Act shall be construed as one with the Income Tax Acts.

(3) Part III of this Act shall be construed as one with the Finance Act, 1894.

(4) Part IV of this Act shall be construed as one with the Stamp Act, 1891.

(5) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

(6) This Act may be cited as the Finance Act, 1930.

(7) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(8) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, as from the dates specified therein.

SCHEDULES.

FIRST SCHEDULE.

Section 28.

Procedure in connection with the Determination of Annual Values of Properties for the Purposes of Assessment for a Year of Revaluation.

Part I.

Provisions applicable to England, exclusive of the Administrative County of London.

1. The General Commissioners shall at the commencement of the preparatory year appoint persons to be assessors of income tax for the year of revaluation, so far as regards income tax chargeable under Schedules A and B, and issue the necessary instructions to the assessors so appointed, and appoint a day not later than the twentieth day of July next following for them to appear before the General Commissioners and bring in certificates of their assessments of annual values for the purposes of assessments for the year of revaluation:

Provided that the appointment of persons to be such assessors for the year of revaluation 1931-1932 shall be made not later than thirty days after the passing of this Act, and the date to be appointed for them to bring in certificates of their assessments of annual values shall be a date not later than the thirtieth day of November, nineteen hundred and thirty.

2. As soon as may be after the appointment of assessors under the last preceding paragraph, general and particular notices shall be issued requiring the delivery of statements containing the particulars prescribed by the Income Tax Acts, and the provisions of the Income Tax Acts relating to notices to deliver, the delivery of, and penalties for neglecting to deliver, statements and declarations, shall apply for the purposes of, and in relation to, such notices.

3. The statements so to be prepared and delivered shall contain particulars relative to the year preceding the year of revaluation and the annual values for the purposes of assessments for the year of revaluation shall, so far as may be, be estimated and determined as for the preparatory year.

4. The provisions of sections one hundred and twenty and one hundred and twenty-five of the Income Tax Act, 1918 (which relate to the allowance of assessments by General Commissioners and to additional assessments, respectively) shall, with any necessary modifications, apply with regard to the annual values to be estimated and determined in

1st Sch. —*cont.*

accordance with the provisions of this Act for the purposes of assessments for a year of revaluation and the General Commissioners shall cause notice to be given of such assessments of annual values.

5. The provisions of subsections (1) and (2) of section one hundred and thirty-four of the Income Tax Act, 1918, (which relate to notices of assessments and of the time for hearing appeals therefrom) and the provisions of the Income Tax Acts relating to appeals against assessments to income tax under Schedule A shall, with any necessary modifications, apply to notices to be given and to appeals in respect of annual values assessed in accordance with the provisions of this Act for the purposes of assessments for a year of revaluation.

Part II.

Provisions applicable to all England.

1. Where the annual value of any property is to be determined as for the preparatory year, the General Rule of No. I of Schedule A shall have effect as if the seven years therein referred to were the seven years ending immediately before the commencement of the preparatory year.

2. Subject to the provisions of the next succeeding paragraph, the period within which any person aggrieved—

(*a*) in the case of property outside the administrative county of London, by the amount of any assessment of annual value made in accordance with the provisions of this Act for the purposes of assessment to income tax under Schedule A for a year of revaluation, or

(*b*) in the case of property in the administrative county of London, by the amount of any assessment to income tax under Schedule A made in any first assessment for a year of revaluation,

shall be entitled to appeal, shall be forty-two days instead of twenty-one days after the date of the notice of such assessment.

3. Any occupier of any property, or any owner or other person in receipt of the rent of any property, although not the occupier thereof, who is aggrieved by the amount of the annual value of the property as assessed shall, if a notification of the value assessed was not delivered to him, be entitled to appeal against any assessment to income tax under Schedule A in respect of that property for the year of revaluation, if within twelve months after the end of that year he gives to the Surveyor notice in writing of his intention to appeal, and on any such appeal the Commissioners may confirm or amend the assessment, as the case may require, and the provisions of the Income Tax Acts relating to appeals against assessments shall, with any necessary modifications, apply to appeals under this paragraph :

1st Sch. —*cont.*

Provided that nothing in this paragraph shall affect the collection or recovery of any tax assessed and charged, but where any assessment is reduced upon an appeal under this paragraph, any tax overpaid shall be repaid.

SECOND SCHEDULE.

Section 33.

Scale of Rates of Estate Duty.

	Principal Value of Estate.				Rate per cent. of Duty.
	£		£		
Exceeding	100	and not exceeding	500	-	1
,,	500	,, ,,	1,000	-	2
,,	1,000	,, ,,	5,000	-	3
,,	5,000	,, ,,	10,000	-	4
,,	10,000	,, ,,	12,500	-	5
,,	12,500	,, ,,	15,000	-	6
,,	15,000	,, ,,	18,000	-	7
,,	18,000	,, ,,	21,000	-	8
,,	21,000	,, ,,	25,000	-	9
,,	25,000	,, ,,	30,000	-	10
,,	30,000	,, ,,	35,000	-	11
,,	35,000	,, ,,	40,000	-	12
,,	40,000	,, ,,	45,000	-	13
,,	45,000	,, ,,	50,000	-	14
,,	50,000	,, ,,	55,000	-	15
,,	55,000	,, ,,	65,000	-	16
,,	65,000	,, ,,	75,000	-	17
,,	75,000	,, ,,	85,000	-	18
,,	85,000	,, ,,	100,000	-	19
,,	100,000	,, ,,	120,000	-	20
,,	120,000	,, ,,	150,000	-	22
,,	150,000	,, ,,	200,000	-	24
,,	200,000	,, ,,	250,000	-	26
,,	250,000	,, ,,	300,000	-	28
,,	300,000	,, ,,	400,000	-	30
,,	400,000	,, ,,	500,000	-	32
,,	500,000	,, ,,	600,000	-	34
,,	600,000	,, ,,	800,000	-	36
,,	800,000	,, ,,	1,000,000	-	38
,,	1,000,000	,, ,,	1,250,000	-	40
,,	1,250,000	,, ,,	1,500,000	-	42
,,	1,500,000	,, ,,	2,000,000	-	45
,,	2,000,000		—	-	50

Section 53.

THIRD SCHEDULE.

Part I.

Enactments repealed as from 1st November, 1930.

Session and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926.	Part II.

Part II.

Enactments repealed as from 6th April, 1931.

Session and Chapter.	Short Title.	Extent of Repeal.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	In section forty-five, the whole of paragraph (2); the words in paragraph (3) "to the sale "of exciseable liquors"; and the words from "and in con-"struing the Income Tax Act" to the end of the section.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Subsection (2) of section one hundred and sixteen; Subsection (4) of section one hundred and thirty-eight; In that portion of the First Schedule which relates to tax under Schedule A;—the paragraph immediately following the words "Rules applicable to Schedule A," and the proviso to Rule I of No. V; In that portion of the First Schedule which relates to tax under Schedule B; — the paragraph immediately following the words "Rules applicable to Schedule B."
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	In subsection (2) of section twelve the words "In the case "of premises to which the "Valuation (Metropolis) Act, "1869, does not apply."

PART III.

ENACTMENTS REPEALED AS FROM 6TH APRIL, 1932.

Session and Chapter.	Short Title.	Extent of Repeal.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	In the preamble, the words "to "provide for a common basis "of value for the purpose of "Government and local taxation and." In section four, the definition of "surveyor of taxes" and, in the definitions of "ratepayer" and "hereditament," the words "or tax." Section eight. In section twelve the words "a "surveyor of taxes and" and the words "district or." In section nineteen, the words "and any surveyor of taxes so "far as respects the valuation "list of any parish in the "petty sessional division." In section thirty, the words "to "every surveyor of taxes in the "metropolis." In section thirty-one, the words "clerk to the Commissioners of "Taxes, any surveyor of taxes"; the words "or taxes," and the words "and do not relate to "profits of trade or of con-"cerns in the nature of trade." In section thirty-two, the words "and any surveyor of taxes." In section thirty-three, the words "on the surveyor of taxes of the "district to which the appeal "relates and": the words "or "a surveyor of taxes,"; and the proviso. In section forty-one, the words "and surveyor of taxes," and the words "and district respectively." In section forty-two, in paragraph (3), the words "the "surveyor of taxes and," and in paragraph (6) the words "by "the surveyor of taxes and."

3rd Sch. *—cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
32 & 33 Vict. c. 67—*cont.*	The Valuation (Metropolis) Act, 1869 —*cont.*	In section forty-four, the words "and tax" and the words "or tax," wherever occurring. In section forty-seven, in paragraph (1) the words "or of the "surveyor of taxes for the district"; in paragraph (3), the words "shall serve on the "surveyor of taxes for the district a copy of the list and"; in paragraph (4), the words "and by the surveyor of taxes "or by either of them," and the words "on the surveyor of taxes"; in paragraph (5), the words "to the surveyor of taxes"; in paragraph (10), the words "and tax"; the words "which are respectively"; the words "or charged"; and the words "or tax." In section forty-eight, the words from "Any costs or" to the end of the section. Sections forty-nine and fifty-three. In section fifty-four, the words "or tax" and the words "or taxed." In section fifty-five, the words "or tax." In section fifty-six, the words from "the surveyor" to "notices, and"; the words "within a month after the receipt thereof"; the second paragraph; and in the third paragraph the words "to the "surveyor of taxes and by the "surveyor of taxes." Sections seventy-five and seventy-six. In Part I of the Second Schedule, the column headed "Gross "value as estimated by surveyor of taxes."

PART IV.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
59 & 60 Vict. c. 28.	The Finance Act, 1896.	Section twenty (except as regards persons dying before the commencement of this Act).
10 Edw. 7. & 1 Geo. 5. c. 8.	The Finance (1909–10) Act, 1910.	Section sixty-three (except as regards persons dying before the commencement of this Act).
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921.	Section forty-four (except as regards persons dying before the commencement of this Act).
11 & 12 Geo. 5. c. 47.	The Safeguarding of Industries Act, 1921.	In subsection (2) of section one the words "not being duties "chargeable under Part II of "this Act"; sections two to nine; in section eleven the words "or are goods to which "an order made under Part II "of this Act applies."
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926.	Proviso (*a*) of subsection (1) of section twenty-nine (except in relation to the year 1929–30).

CHAPTER 29.

An Act to extend section forty-seven of the Workmen's Compensation Act, 1925, to industries involving exposure to asbestos dust, and to amend the provisions of that section relating to medical arrangements and examinations.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of 15 & 16 Geo. 5. c. 84. s. 47, to

1. Section forty-seven of the Workmen's Compensation Act, 1925 (which provides for the application of that Act to workmen suffering from silicosis), shall industries involving exposure to asbestos dust.

extend to industries and processes involving exposure to asbestos dust; and accordingly the amendments specified in the second column of the Schedule to this Act shall be made in the provisions of the said section specified in the first column of that Schedule.

Amendments of 15 & 16 Geo. 5. c. 84. s. 47.

2.—(1) The powers of the Secretary of State under section forty-seven of the Workmen's Compensation Act, 1925, as extended by this Act, shall include power to make a general scheme applicable to all industries and processes and groups of industries and processes to which compensation schemes apply, for the purposes of co-ordinating the medical arrangements in connection with those compensation schemes; and provision may be made by such a general scheme—

(*a*) for the establishment of a medical expenses fund to be administered by trustees appointed by the Secretary of State or otherwise as may be provided by the scheme:

(*b*) for requiring such fees in respect of any examinations made or certificates given under the scheme, as may be prescribed by regulations made by the Secretary of State with the approval of the Treasury, to be paid into the said fund by or on behalf of employers and workmen, and for the recovery of such payments; and for the payment and recovery out of the said fund of any expenses arising in connection with the medical arrangements provided for by the scheme, or with the administration of the medical expenses fund, which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme:

(*c*) for any of the matters mentioned in paragraphs (*d*) and (*e*) of subsection (3) of the said section forty-seven:

(*d*) for securing that employers—

(i) shall not employ in any industry or process involving exposure to silica dust or asbestos dust any workman who has been suspended in pursuance of the scheme or has refused or wilfully neglected to submit himself to any examination required in pursuance of the scheme;

(ii) shall make such arrangements in connection with examinations as may be prescribed by the scheme;

(iii) shall give to such medical officer or medical board as may be prescribed by the scheme such notice as may be thereby required of the commencement of any industry or process involving exposure to silica dust or asbestos dust:

(*e*) for the recovery on summary conviction of monetary penalties in respect of any contravention or failure to comply with the provisions contained in the scheme for securing the matters mentioned in the last foregoing paragraph of this section, so, however, that such penalties shall not exceed five pounds for every day on which the contravention or failure occurs or continues.

(2) The general scheme and any regulations made for the purposes thereof may contain different provisions as respects different industries or processes or groups of industries or processes affected by the scheme or regulations, and subsections (4) and (5) of the said section forty-seven (which relate to the laying of schemes before Parliament and to the notification thereof) shall apply to any such regulations as well as to any scheme.

(3) Any compensation scheme shall, in so far as it provides for any of the matters mentioned in paragraphs (*d*) and (*e*) of subsection (3) of the said section forty-seven, have effect subject to the provisions of the general scheme.

(4) In this section the expression "compensation scheme" means a scheme made under the said section forty-seven providing for the payment of compensation by the employers of workmen in the industry or process or group of industries or processes specified therein.

Short title and construction.

3. This Act may be cited as the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, and shall be construed as one with the Workmen's Compensation Act, 1925, and this Act and the Workmen's Compensation Acts, 1925 and 1926, may be cited together as the Workmen's Compensation Acts, 1925 to 1930.

SCHEDULE.

CONSEQUENTIAL AMENDMENTS OF 15 & 16 GEO. 5. c. 84. s. 47.

Provision to be amended.	Amendment.
Subsection (1) -	After the words “ silica dust ” there shall be inserted the words “ or asbestos dust ”; and in paragraph (*a*) of that subsection, for the words “ fibroid phthisis or silicosis “ of the lungs, in this section referred to “ as ‘ silicosis ’ or from that disease ” there shall be substituted the words “ ‘silicosis’ (that is to say, fibrosis of the “ lungs due to silica dust) or from fibrosis “ of the lungs due to asbestos dust or “ from either of those diseases ”; and in paragraph (*b*) of that subsection, for the word “ silicosis ”, where that word secondly occurs, there shall be substituted the words “ fibrosis of the lungs due to asbestos dust, “ or from either of those diseases ”.
Subsection (2) -	For the word “ silicosis,” where that word secondly occurs, there shall be substituted the words “ fibrosis of the lungs, due to “ asbestos dust, or from either of those “ diseases ”.
Subsection (3) -	In paragraph (*e*) thereof, after the word “ dust ” there shall be inserted the words “ or to asbestos dust ”; and for the words “ tuberculosis, or silicosis accompanied “ by ” there shall be substituted the words “ fibrosis of the lungs due to asbestos dust “ or from either of those diseases accompanied by tuberculosis, or from ”.

CHAPTER 30.

An Act to authorise the President of the Air Council to pay subsidies and furnish facilities to persons maintaining regular services for the carriage by air of passengers, goods and mails. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Agreements for subsidising air transport.

1.—(1) The President of the Air Council may, with the approval of the Treasury, agree to pay subsidies to any persons and to furnish facilities for their aircraft, in consideration of those persons maintaining in accordance with the agreement a regular service for the carriage by air of passengers, goods and mails:

Provided that—

(*a*) the aggregate amount of the subsidies payable under all the agreements made in pursuance of this Act shall not exceed one million pounds in any financial year; and

(*b*) no subsidy shall be payable under any such agreement after the thirty-first day of December, nineteen hundred and forty.

(2) Any sums required by the President of the Air Council for the fulfilment of any agreement made in pursuance of this Act shall be paid out of moneys provided by Parliament.

Short title.

2. This Act may be cited as the Air Transport (Subsidy Agreements) Act, 1930.

CHAPTER 31.

An Act to extend the periods during which guarantees may respectively be given and remain in force under the Overseas Trade Acts, 1920 to 1929. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of periods during which guarantees under Overseas Trade Acts, 1920 to 1929, may be given and remain in force.

1. The period within which new guarantees may be given under the Overseas Trade Acts, 1920 to 1929, in connection with export transactions shall be extended so as to expire on the thirty-first day of March, nineteen hundred and thirty-five, and the period during which guarantees so given (including renewed guarantees) may remain in force shall be extended so as to expire on the thirty-first day of March, nineteen hundred and forty.

Short title.

2. This Act may be cited as the Overseas Trade Act, 1930, and the Overseas Trade Acts, 1920 to 1929, and this Act, may be cited together as the Overseas Trade Acts, 1920 to 1930.

CHAPTER 32.

An Act to make better provision for the defence of poor persons in criminal cases.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Defence of poor persons committed for trial.

1.—(1) Any person committed for trial for an indictable offence shall be entitled to free legal aid in the preparation and conduct of his defence at the trial and to have solicitor and counsel assigned to him for that purpose in the prescribed manner, if a certificate (in this Act referred to as a " defence certificate ") is granted in respect of him in accordance with the provisions of this section.

(2) Subject to the provisions of this section, a defence certificate may be granted in respect of any person—

(*a*) by the committing justices, upon his being committed for trial; or

(*b*) by the judge or chairman of the court before which he is to be tried, at any time after reading the depositions,

and such justices, judge, or chairman are in this section referred to as " the certifying authority."

(3) A defence certificate shall not be granted in respect of any person unless it appears to the certifying authority that his means are insufficient to enable him to obtain such aid, but where it so appears to the certifying authority, that authority—

(*a*) shall grant a defence certificate in respect of any person committed for trial upon a charge of murder; and

(*b*) may grant a defence certificate in respect of any person committed for trial upon any other charge if it appears to the certifying authority, having regard to all the circumstances of the case (including the nature of such defence, if any, as may have been set up), that it is desirable in the interests of justice that he should have legal aid in the preparation and conduct of his defence at the trial.

Legal aid before courts of summary jurisdiction.

2. If it appears to a court of summary jurisdiction or examining justices that the means of any person charged before them with any offence are insufficient to enable him to obtain legal aid and that by reason of the gravity of the charge or of exceptional circumstances it is desirable in the interests of justice that he should have free legal aid in the preparation and conduct of his defence before them, the court or justices may grant in respect of him a certificate (in this Act referred to as a " legal aid certificate "), and thereupon he shall be entitled to such aid and to have a solicitor and (where he is charged with murder and the justices think fit) counsel assigned to him for that purpose in the prescribed manner.

Amendments of 8 Edw. 7. c. 15.

3.—(1) Where a defence certificate or a legal aid certificate has been granted under this Act in respect of any person, an order under section one of the Costs in Criminal Cases Act, 1908, directing the payment out of local funds of the costs of his defence in accordance with the provisions of that Act shall be made, in the case of a defence certificate, by the court of assize or quarter sessions before which he is prosecuted or tried, and in the case of a legal aid certificate, by the court of summary jurisdiction before which, or the examining justices before whom, he is charged, and for that purpose a court of summary jurisdiction shall have power to make such an order whether or not the charge is for an indictable offence and examining justices shall have power to make such an order whether or not the charge is dealt with summarily.

(2) Subject to the regulations of the Secretary of State made under the Costs in Criminal Cases Act, 1908, the costs directed to be paid by such an order as aforesaid shall include—

(*a*) in the case of an order made in consequence of the granting of a defence certificate, the fees of solicitor and counsel and the costs of a copy of the depositions;

(*b*) in the case of an order made in consequence of the granting of a legal aid certificate, the fees of a solicitor;

and may include any other expenses properly incurred in carrying on the defence.

(3) If upon the trial before a court of assize or quarter sessions of a person in respect of whom a defence certificate has not been granted, his defence is undertaken by counsel at the request of the judge or chairman of the court, the costs which the court may under section one of the Costs in Criminal Cases Act, 1908, by order direct to be paid out of local funds in accordance with the provisions of that Act, shall include the fees of such counsel.

4. The Attorney-General, with the approval of the Lord Chancellor and a Secretary of State, may make rules for carrying this Act into effect, and such rules shall in particular prescribe— Rules.

(*a*) the form of the certificates to be granted under this Act; and

(*b*) the manner in which counsel and solicitors are to be assigned in pursuance of such certificates,

and all rules so made shall be laid before each House of Parliament as soon as may be after they are made for a period of not less than thirty days during the session of Parliament, and if either House before the expiration of that period resolves that any such rule should be annulled it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new rule.

5.—(1) This Act may be cited as the Poor Prisoners' Defence Act, 1930, and shall come into operation on the first day of January, nineteen hundred and thirty-one. Short title, commencement, interpretation, extent and repeal.

(2) In this Act, the expression "judge" includes a deputy recorder, the expression "chairman" includes a deputy chairman or acting chairman, and the expression "prescribed" means prescribed by rules made under this Act.

(3) This Act shall not extend to Scotland or to Northern Ireland.

(4) The Poor Prisoners' Defence Act, 1903, and subsection (3) of section one of the Costs in Criminal Cases Act, 1908, are hereby repealed: 3 Edw. 7. c. 38.

Provided that any rule made or certificate given under the Poor Prisoners' Defence Act, 1903, in force at the commencement of this Act, shall continue in force and have effect as if it had been made or given under this Act.

CHAPTER 33.

An Act to amend the law as to the duration and recovery of aliment for, and the custody of, illegitimate children in Scotland, and for other purposes connected therewith.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Duration and amount of aliment.

1.—(1) The obligation of the mother and of the father of an illegitimate child to provide aliment for such child shall (without prejudice to any obligation attaching at common law) endure until the child attains the age of sixteen years.

(2) Where in any action of affiliation and aliment the court finds that the defender is the father of the child, the court shall in awarding any sum in name of inlying expenses, or in name of aliment, have regard to the means and position of the pursuer and the defender, and the whole circumstances of the case.

(3) The court shall have power on the application of any person who is entitled to the custody of an illegitimate child, whether such person is the father or the mother of the child or is a third party, to make an order for payment to the person so entitled to the custody, by the father or the mother or by the father and the mother, as the case may be, of such sum in respect of aliment of the child as having regard to the means and position of the father and the mother and the whole circumstances of the case the court may think reasonable.

(4) The court shall have power to recall or vary an order for the payment of any sum in respect of aliment made under subsection (2) or subsection (3) of this section.

Power of court to make order as to custody of

2.—(1) The court may, upon application by the mother or by the father of any illegitimate child, or in any action for aliment for an illegitimate child, make such order as it may think fit regarding the custody of such child and the right of access thereto of either parent, having regard to the welfare of the child and to the conduct of the parents and to the wishes as well of the mother as of the father and may on the application of either parent recall or vary such order.

child and cesser of the right of father to meet claim for aliment by offer to assume custody.

(2) The father of an illegitimate child shall not be entitled to meet a claim for aliment by the mother of such child by an offer to assume custody of such child and his liability for aliment shall not be affected by such offer.

Power to raise action of affiliation and aliment before birth of child.

3.—(1) Any unmarried woman who is pregnant may before the birth of the child raise an action of affiliation and aliment against the person she alleges to be the father of the child, but no declarator of paternity shall be pronounced, no proof shall be taken, and, subject as hereinafter provided, no decree for payment shall be pronounced in such action until after the birth of the child, but where the action is undefended, or where paternity is admitted by the defender, the court may before the birth of the child grant decree for payment of a sum to account in respect of inlying expenses, and for payment of periodical sums in respect of aliment beginning at the date of the birth of the child and where any such decree has been granted the Court may, after the birth of the child, grant decree for payment of a further sum in respect of inlying expenses, and may review and alter the periodical sums so decerned for in respect of aliment.

(2) Notwithstanding anything in the foregoing subsection, it shall not be competent to raise any action of affiliation and aliment before the birth of the child unless the pursuer produces—

(*a*) A declaration sworn before a justice of the peace or magistrate that the defender is the father of the child, and

(*b*) A certificate signed by a duly qualified medical practitioner certifying that she is pregnant and specifying the date on which delivery may normally be expected;

and it shall not be competent to raise any such action more than three months before the date so specified.

Power to order payment to inspector of poor or other person of sums due in name of aliment.

4. Where a court grants or has granted decree against any person for payment of aliment for an illegitimate child, the court may, at the time of granting such decree or at any subsequent time, on the application of the inspector of poor, with the consent of the person in whose favour the decree has been granted, or on the application of any other person authorised by the person in whose favour the decree has been granted, order that any sums due thereunder shall be paid to the inspector of poor or to the person so authorised, as the case may be, and where any such order has been made the inspector of poor or the person so authorised, as the case may be, shall have the like right to enforce the decree by diligence including the right to take proceedings under the Civil Imprisonment (Scotland) Act, 1882, as if it were a decree in his favour, and shall pay over any sums recovered thereunder to the person in whose favour the decree was granted or shall expend such sums for behoof of the child.

45 & 46 Vict. c. 42.

Funeral expenses.

5. In the event of the death of an illegitimate child under the age of sixteen, the parents of such child shall (without prejudice to any liability incurred by them or either of them under contract) be liable for the funeral expenses jointly or in such proportions as the sheriff on summary application may determine: Provided that nothing in this section shall entitle any person to recover from either parent of such child any sum in respect of the funeral expenses, in so far as they exceeded such amount as the sheriff may consider reasonable in the circumstances, unless such parent was a party to the incurring of such expenses.

Definition.

6. The expression "the court" shall mean the court of session or the sheriff court.

Extent of Act.

7. This Act shall apply to Scotland only.

Short title.

8. This Act may be cited as the Illegitimate Children (Scotland) Act, 1930.

CHAPTER 34.

An Act to provide for regulating and facilitating the production, supply and sale of coal by owners of coal mines; for the temporary amendment of section three of the Coal Mines Regulation Act, 1908; for the constitution and functions of a Coal Mines National Industrial Board; and for purposes connected with the matters aforesaid.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Production, Supply and Sale of Coal.

Schemes regulating production, supply and sale of coal.

1.—(1) There shall be a scheme (hereafter in this Act referred to as "the central scheme") regulating the production, supply and sale of coal by owners of coal mines situated in Great Britain, which shall, subject to the provisions of the scheme, be administered by a body referred to in this Act as the "central council"; and, subject to the provisions of this Act, there shall be for every district a scheme (hereafter in this Act referred to as a "district scheme") regulating the production, supply and sale of coal by owners of coal mines situated in the district, which shall, subject to the provisions of the scheme, be administered by a body referred to in this Act as an "executive board."

(2) No scheme shall have effect under this Act unless it has been approved or made by the Board of Trade.

(3) If before the expiration of the period of six weeks from the passing of this Act, or such further period as the Board of Trade may in any case allow, the central scheme or a district scheme for any district is submitted to the Board by any voluntary association or other persons appearing to the Board to be representative of a majority of the owners of coal mines situated in Great Britain or in the district, as the case may be, the Board may, if

Part I. *—cont.*

they are satisfied that the scheme complies with the requirements of this Act, approve the scheme with or without modifications, and in default of such a central or district scheme being so submitted and approved as aforesaid, the Board shall themselves make the scheme.

(4) For the purposes of the last foregoing subsection, the owners of coal mines which, during the period of six months ending on the thirty-first day of December, nineteen hundred and twenty-nine, produced more than half the output of Great Britain or of any district, shall, respectively, be deemed to be a majority of the owners of coal mines situated in Great Britain or in the district:

Provided that, if it appears to the Board of Trade that during the said period of six months the output of a substantial number of coal mines in any district was subject to regulation under any arrangements made by a voluntary association or otherwise, the Board may treat any scheme submitted to them for that district as if the latest period of six months during which the output of those coal mines was not so regulated had been the period mentioned in the foregoing provisions of this subsection.

(5) Any scheme may be amended with the approval of the Board of Trade in manner provided by the scheme, and a new scheme to have effect in substitution for any scheme theretofore in force may at any time be submitted to the Board of Trade by the central council, or, in the case of a new scheme for any district, by the executive board for any district affected thereby, and any scheme so submitted shall, if approved by the Board, have effect accordingly.

(6) Every scheme shall come into force on such date as the Board of Trade may appoint, being (except where a scheme is made by the Board themselves or is to take effect in substitution for a previous scheme) a date not less than one month nor more than three months after the passing of this Act, and the Board may appoint different dates for different schemes, and any scheme for the time being in force shall have effect as if it were enacted in this Act.

(7) The Board of Trade shall, immediately after making or approving any scheme or any amendment thereof, publish the scheme or amendment, as the case

may be, in the London Gazette and for the purpose of the Documentary Evidence Acts, 1868 to 1895, any such scheme or amendment shall be deemed to be an order of the Board.

Provisions of central scheme.

2.—(1) The central scheme shall provide for the constitution of the central council which shall, subject as hereinafter provided, be composed of representatives of all the owners of coal mines in the several districts:

Provided that, if the scheme is made by the Board of Trade, the central council shall be composed of persons nominated by the Board of Trade after consultation with such voluntary associations (if any) as may appear to the Board to be representative of the owners aforesaid.

(2) The central scheme shall further provide for the following matters—

(*a*) for empowering the central council to appoint officers and do all things necessary for the discharge of their functions under the central scheme;

(*b*) for the allocation to each district by the council, after consultation with the executive board for the district, of a maximum output for the district (in this Act referred to as "the district allocation");

(*c*) for the district allocation being determined at such times and for such periods as the council think fit, so however that the council shall be required to amend the allocation during any such period if they are satisfied upon the representation of the executive board for the district that it is necessary to do so in order to meet an increased demand for coal or any class of coal;

(*d*) for the consideration by the council of the operation of the district schemes and for the giving of advice thereon by the council to the executive boards for the several districts, with a view to co-ordinating the operation of the district schemes;

(*e*) for the collection by the council from the executive boards for the several districts of levies, imposed upon them in proportion to the

PART I. —*cont.*

output or disposal of their respective districts, for the purpose of defraying the expenses of the council;

(*f*) for the establishment of a central fund, for the administration and control of the fund (subject to the provisions of the central scheme) by the council, for the payment into the fund of any money received by the council under the provisions of that scheme, and for the payment out of the fund of the expenses of the council and any money payable by the council under the provisions of that scheme;

(*g*) for the appointment of trustees for the council, for the vesting in the trustees of the central fund and of all other property of the council, and for enabling the trustees to sue and be sued for and on behalf of the council;

(*h*) for requiring the executive boards for the several districts to furnish to the council, or any person authorised by the council, such returns, accounts and other information as the council may consider necessary for the operation of the central scheme;

(*i*) for securing that any executive board, which is aggrieved by any act or omission of the council or of any other executive board or of any other persons in respect of their functions under a scheme in force under this Act, may refer the matter to one or more independent arbitrators, appointed in such manner as may be provided by the scheme; and for the manner in which any such reference is to be heard and determined;

(*j*) for the imposition on and recovery from an executive board for a district of such monetary penalties as may be specified by the central scheme in the event of that board, or of any other person having functions under the scheme for that district, contravening or failing to comply with the central scheme;

(*k*) for the manner in which the assets and liabilities of the council are to be dealt with on the expiration of this Part of this Act.

PART I.—*cont.*

(3) The central scheme may provide for such matters as appear to the Board of Trade to be incidental to, or consequential on, the foregoing provisions of this section or to be necessary for giving effect to those provisions.

(4) If the central council make to the Board of Trade representations that for the purpose of regulating or facilitating the production, supply, or sale of coal, or any class of coal, by owners of coal mines situated in Great Britain it is necessary or expedient that the central scheme should make provision for any matters in addition to or in substitution for the matters mentioned in subsections (2) and (3) of this section, the Board may lay before each House of Parliament the draft of an order providing that the scheme may be amended so as to provide for the matters with respect to which the representations were made and those matters shall be specified in the draft order, and, if each House resolves that the order shall be made, the Board shall make an order in the terms of the draft to take effect on such date as may be specified in the order, and the scheme may be amended accordingly in manner provided by the scheme.

Provisions of district scheme.

3.—(1) Every district scheme shall provide for the election of the executive board by all the owners of coal mines in the district in such manner as will ensure that any owners, who were not represented by the voluntary association or other persons who submitted the scheme, shall be fairly represented on the board as first elected:

Provided that, if the scheme is made by the Board of Trade, the executive board shall be composed of persons nominated by the Board of Trade after consultation with such voluntary association (if any) as may appear to the Board of Trade to be representative of the owners aforesaid, or, where there is no such association, with the central council.

(2) Every district scheme shall further provide for the following matters—

(*a*) for empowering the executive board to appoint officers and do all things necessary for the discharge of their functions under the scheme;

(*b*) for the determination of the class to which any coal produced in the district belongs for any purpose;

Part I. —*cont.*

(*c*) for the determination, at such times and for such periods as may be decided in accordance with the provisions of the scheme, of the standard tonnage of every coal mine in the district in respect of coal and, if it is so decided in accordance with the provisions of the scheme, in respect of any class of coal, so, however, that the method of determination shall be specified in the scheme, and shall be such a method as will ensure that, for the purpose of the determination, regard shall be had to the special circumstances of every coal mine (including the efficiency and economy of the working of the coal mine, the extent to which it has been developed or is being developed for economic working, the extent to which its output has been increasing or decreasing, and, in the case of the first determination, the proportion which the output of the coal mine bore to the output of the district during some recent period during which no arrangements made by a voluntary association or otherwise were in force regulating the output of any substantial number of coal mines in the district);

(*d*) for the determination, at such times and for such periods as may be decided in accordance with the provisions of the scheme, of the proportion (in this Act referred to as the "quota") of the standard tonnage which each of the coal mines in the district is to be allowed to produce, so, however, that the scheme shall provide—

(i) that in any district in which a standard tonnage has been determined for any class of coal, a separate quota may be fixed as respects that class; and

(ii) that the quota fixed as respects coal or any class of coal shall be the same proportion of the standard tonnage of coal, or of the class of coal, as the case may be, for all coal mines in the district; and

(iii) that all quotas shall be so calculated that, during any period for which the district allocation has been fixed by the central council, that allocation shall not be exceeded;

Part I. —*cont.*

(*e*) for enabling arrangements to be made by owners of coal mines in the district, whereby the output of coal or any class of coal from any such mine may exceed the quota fixed for that mine, as respects coal or that class of coal, so long as the output of coal or that class of coal from some other mine in the district is lower than the quota fixed for that other mine, as respects coal or that class of coal, by an amount not less than the excess;

(*f*) for the determination, at such times and for such periods as may be decided in accordance with the provisions of the scheme, of the price below which every class of coal produced in the district may not be sold or supplied by owners of coal mines in the district, and for securing that the actual consideration obtained by the sale or supply of the several classes of coal, exclusive of coal supplied free or at reduced rates for the use of persons who are or have been employed in or about the mine, and the dependants of persons who have been so employed, shall not be less in value than the price so determined;

(*g*) for the collection by the executive board from the owners of coal mines in the district of levies, imposed upon the several owners in proportion to the output or disposal of their respective coal mines in the district, for the purpose of defraying the expenses of the executive board and any penalties imposed on, or levies payable by, that board under the provisions of the central scheme;

(*h*) for the establishment of a district fund, for the administration and control of the fund (subject to the provisions of the scheme) by the executive board, for the payment into the fund of any money received under the provisions of the central scheme or of the district scheme by the executive board or by any other persons in respect of their functions under the district scheme, and for the payment out of the fund of the expenses of the executive board and of any moneys payable by that board under either of those schemes;

Part I. —*cont.*

(*i*) for the appointment of trustees for the executive board, for the vesting in the trustees of the district fund and of all other property of the executive board, and for enabling the trustees to sue and be sued for and on behalf of the executive board;

(*j*) for requiring the owners of coal mines in the district to furnish to the executive board or any person authorised by that board such returns, accounts and other information as that board may consider necessary for the operation of the scheme;

(*k*) for the production to and inspection by an accountant authorised by the executive board for this purpose of books and accounts relating to any coal mine in the district and for the submission by him of a report to the executive board;

(*l*) for securing that any owner of a coal mine in the district, who is aggrieved by any act or omission of the executive board or of any other persons in respect of their functions under the scheme, may refer the matter to one or more independent arbitrators, appointed in such manner as may be provided by the scheme; and for the manner in which any such reference is to be heard and determined;

(*m*) for the imposition on and recovery from the owner of any coal mine in the district of such monetary penalties as may be specified by the scheme in the event of his contravention of or failure to comply with the scheme;

(*n*) for the manner in which the assets and liabilities of the executive board are to be dealt with in the event of the scheme ceasing to have effect under this Act or on the expiration of this Part of this Act:

Provided that a district scheme may make provision for the determination of the standard tonnage of, and quota for, any two or more coal mines in the district which are worked by the same colliery undertaking as if they were one coal mine.

(3) A district scheme may further provide—

Part I. —*cont.*

(*a*) for the deduction, if it is so decided in accordance with the provisions of the scheme, from the quota of any coal mine for any period of the tonnage by which, in contravention of the provisions of the scheme, the output of the coal mine has during any previous period exceeded the quota of the coal mine for that previous period, but without prejudice to any penalty that may have been incurred by reason of the excess;

(*b*) for such matters as appear to the Board of Trade to be incidental to, or consequential on, the foregoing provisions of this section or to be necessary for giving effect to those provisions.

(4) If the executive board for any district make to the Board of Trade representations that for the purpose of regulating or facilitating the production, supply, or sale of coal, or any class of coal, by owners of coal mines situated in that district it is necessary or expedient that the district scheme should make provision for any matters in addition to or in substitution for the matters mentioned in subsections (2) and (3) of this section, the Board may lay before each House of Parliament the draft of an order providing that the scheme may be amended so as to provide for the matters with respect to which the representations were made, and those matters shall be specified in the draft order, and, unless either House before the expiration of a period of twenty days on which that House has sat next after the draft is laid before it resolves that the order shall not be made, the Board may make an order in the terms of the draft to take effect on such date after the expiration of that period as may be specified in the order, and the scheme may, with the approval of the Board, be amended accordingly in manner provided by the scheme:

Provided that, in the case of any draft order providing that a district scheme may be amended so as to provide for empowering the executive board for the district, subject to the consent of the central council, to collect from the owners of coal mines in the district levies for the purpose of facilitating the sale of any

Part I. *—cont.*

class of coal produced in the district, the foregoing provisions of this section shall have effect as if for the reference therein to a period of twenty days there were substituted a reference to a period of twenty-five days.

Effect of schemes on contracts.

4.—(1) A contract for the sale or supply of coal, whether made before or after the passing of this Act, shall not, unless the terms of the contract otherwise provide, be void or unenforceable as between the parties by reason that it cannot be performed without contravening the provisions of a scheme in force under this Part of this Act.

(2) Where the output of a coal mine exceeds during any period the quota of that mine for that period, the owner of the mine shall not be liable to any penalty under any district scheme, nor shall any deduction be made from the quota of the mine for any subsequent period, in respect of the excess, if it is adjudged by the persons having power under the scheme to impose the penalty or make the deduction or, in the event of an arbitration, by the arbitrator,—

(*a*) that the excess was solely occasioned by the performance of contracts made before the eleventh day of December, nineteen hundred and twenty-nine;

(*b*) that the excess was reasonably necessary for the performance of those contracts; and

(*c*) that, having regard to the provisions of the central scheme, the imposition of the penalty or the making of the deduction, as the case may be, can, without substantial injury to the interests of the owners of other coal mines in the district, be dispensed with.

(3) The owner of a coal mine shall not be liable to any penalty under any district scheme by reason of the fact that he has, in pursuance of any contract, sold or supplied coal at a price below the minimum price determined in respect of that coal under the scheme at the time of the sale or supply, unless the price at which the coal was contracted to be sold or supplied was lower than the minimum price determined in respect thereof under the scheme at the time when the contract was made, or, where no minimum price had then been determined in respect of the coal, unless it is adjudged by the persons

having power under the scheme to impose the penalty, or, in the event of an arbitration, by the arbitrator, that the quantity of coal contracted to be sold or supplied is greater, or the period over which the coal was contracted to be sold or supplied is longer than it would have been if no party to the contract had anticipated that the price would be regulated under the scheme.

Part I. —*cont.*

Committees of investigation.

5.—(1) There shall be constituted a national committee of investigation consisting of nine members, which shall be charged with the duty of investigating any complaint made with respect to the operation of the central scheme, and there shall also be constituted for every district a district committee of investigation consisting of five members, which shall be charged with the duty of investigating any complaint made with respect to the operation of the district scheme for the district for which the committee is constituted:

Provided that no such committee shall be empowered to investigate a complaint which could be referred to arbitration by the complainant under the provisions of any such scheme.

(2) The chairman and other members of every committee of investigation shall be persons appointed by the Board of Trade, and, of the members of the committee other than the chairman, one half shall be persons appointed to represent the interests of consumers of coal, and—

(*a*) in the case of the national committee two shall be persons appointed to represent owners of coal mines in Great Britain and the other two shall be persons appointed to represent workers employed in or about such coal mines;

(*b*) in the case of a district committee one shall be appointed to represent the owners of coal mines in the district and the other shall be appointed to represent workers employed in or about such coal mines;

and before appointing any person as a representative of any interest, the Board shall consult such bodies as appear to them to represent that interest.

(3) The meetings and procedure of every committee of investigation shall be regulated in accordance with directions issued by the Board of Trade for the purpose.

PART I. —*cont.*

(4) The Board of Trade may appoint a secretary to each committee of investigation, and each such committee may employ such accountants, officers and servants as the Board may, with the approval of the Treasury, determine, and there shall be paid by the Board such remuneration (if any) to the chairman of the committee, such travelling and subsistence allowances to the chairman and members of the committee, such remuneration to the secretary so appointed and to the accountants, officers and servants so employed, and such other expenses of the committee, as the Board, with the approval of the Treasury, may determine, and any expenses of the Board under this subsection shall be defrayed out of moneys provided by Parliament.

(5) Where a committee of investigation is required in pursuance of this section to investigate a complaint with respect to the operation of a scheme, the council or executive board charged with the duty of administering the scheme shall furnish the committee with such returns, accounts and other information relating to the operation of the scheme as the committee considers relevant to the investigation.

(6) If after investigating any complaint made with respect to the operation of a scheme, a committee of investigation is of opinion that any provision of the scheme is contrary to the public interest or ought to be amended on the ground that it is unfair or inequitable in its operation, it shall be the duty of the committee to report the matter to the Board of Trade, and if, after considering the report and consulting such persons as appear to them to be affected, the Board agree with the opinion of the committee, the Board shall make recommendations to the council or executive board charged with the duty of administering the scheme, with a view to the rectification of the matter complained of.

The Board of Trade may hold inquiries for the purpose of assisting them to consider any report made to them under this subsection by a committee of investigation in like manner as they are empowered under section twenty-two of the Mining Industry Act, 1920, to hold inquiries for the purposes of that Act, and that section shall apply with respect to inquiries held by the Board under this subsection accordingly.

10 & 11 Geo. 5. c. 50.

(7) If after the Board of Trade have, under the provisions of the last foregoing subsection, made recommendations to the executive board charged with the duty of administering any district scheme, the matter complained of is not rectified to the satisfaction of the Board, the Board may, by order published in the London Gazette, direct that the scheme shall cease to have effect under this Act and the Board shall, subject as hereinafter provided, make a new scheme in substitution therefor:

Provided that, if and so long as the Board of Trade and the central council are both satisfied that, under arrangements made by any voluntary association or otherwise by owners of coal mines in the district, the provisions of the central scheme are being complied with in that district not less effectively than in other districts, the Board shall not, except at the request of the central council, make such a new scheme as aforesaid; and during any period during which, by reason of such arrangements as aforesaid, a district scheme is not in force under this Act for any district, the provisions of this Act relating to the central scheme and the provisions of the central scheme shall, as respects that district, have effect as if for references therein to the executive board or to any other persons having functions under the district scheme there were substituted references to the association by which, or owners by whom, the arrangements were made.

(8) If after investigating any complaint made with respect to the operation of a scheme, a committee of investigation is of opinion that any act or omission of any persons in respect of their functions under the scheme is having or is likely to have an effect contrary to the public interest or ought not to be permitted on the ground that it is unfair or inequitable, it shall be the duty of the committee to make representations with respect thereto to the persons having power under the scheme to rectify the matter, and if, upon such representations being made, the matter is not dealt with to the satisfaction of the committee, the committee may refer the matter to a single independent arbitrator to be appointed by agreement between the committee and the body charged with the duty of administering the scheme, or, in default of agreement, by the Board of Trade, and the persons having power under the scheme to give effect to

Part I. —*cont.*

the decision shall comply therewith and exercise their functions under the scheme in conformity with the decision.

(9) A committee of investigation, upon referring any matter to arbitration in accordance with the last foregoing subsection, shall make a report thereon to the Board of Trade, and shall also report to the Board the arbitrator's decision and what steps have been taken to comply therewith, and the Board shall have power to make in the scheme such amendments (if any) as they think necessary for securing that the scheme will be administered in conformity with the decision, and in particular may by such amendments alter the composition of the body charged with the administration of the scheme as if the scheme had been made by the Board.

(10) Any person aggrieved—

(*a*) by the neglect or refusal of a committee of investigation to report to the Board of Trade that any provision of a scheme is contrary to the public interest, or ought to be amended on the ground that it is unfair or inequitable in its operation, or where such a report has been made is aggrieved by any act or omission of the Board of Trade in relation thereto; or

(*b*) by the neglect or refusal of a committee of investigation to refer a complaint to arbitration under subsection (8) of this section;

may, with the leave of the Railway and Canal Commission, appeal to that Commission who shall have power to make such order as they think fit.

(11) The Board of Trade shall make regulations for the conduct of references to arbitration under this section, and such regulations shall make provision as to the persons by whom the remuneration of the arbitrator is to be defrayed, and all such regulations shall be laid before Parliament.

Information to be furnished to Board of Trade.

6. It shall be the duty of the central council as respects the central scheme, and of the executive board for any district as respects the scheme for that district, to furnish to the Board of Trade, in such manner and form as the Board may direct, such returns, accounts and other information with respect to the operation of the scheme as the Board may at any time require.

PART I. —*cont.*

Report to be laid before Parliament.

7. The Board of Trade shall in the year nineteen hundred and thirty-one and each subsequent year lay before Parliament a report upon the operation of all the schemes for the time being in force under this Act.

Information obtained under Act not to be disclosed.

8. No information with respect to any particular undertaking shall be included in any report published under this Part of this Act by the Board of Trade, the central council, an executive board, the national committee of investigation, or a district committee of investigation, unless the owner of the undertaking agrees thereto, and any person who obtains any information in the exercise of the powers conferred upon the council or upon any executive board by any scheme made in pursuance of this Part of this Act, or conferred upon any such committee by this Part of this Act, shall be required to make a declaration of secrecy in such form as may be prescribed by the Board of Trade, and any person who discloses any information so obtained by him shall be guilty of a misdemeanour and liable, on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine:

Provided that nothing in this section shall apply to the publication or disclosure of any information in so far as it is required to be published or disclosed for the purposes of legal proceedings (including arbitrations) under this Part of this Act or any scheme made thereunder or for any report of such proceedings, or in so far as it is required or authorised by this Part of this Act or any scheme made thereunder to be published or disclosed to the Board of Trade, the central council, a committee of investigation or an executive board.

Offences and penalties.

9.—(1) If any person contravenes or fails to comply with any provision of this Part of this Act or of a scheme in force thereunder, and no penalty for the contravention or failure is expressly provided by this Part of this Act or the scheme, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and to a further fine not exceeding twenty

Part I. —*cont.*

pounds for every day on which the contravention or failure occurs or continues.

(2) Where an offence under this Part of this Act or a scheme in force thereunder, committed by a corporation, is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

Duration of Part I.

10.—(1) This Part of this Act shall continue in force until the thirty-first day of December, nineteen hundred and thirty-two, and no longer, unless Parliament otherwise determines:

Provided that the expiration of this Part of this Act shall not—

(*a*) affect the previous operation of, or anything duly done or suffered under, this Part of this Act; or

(*b*) affect any right, privilege, exemption, obligation, or liability acquired, accrued, or incurred under this Part of this Act; or

(*c*) affect any penalty or punishment incurred under this Part of this Act; or

(*d*) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty or punishment may be imposed as if this Part of this Act had not expired.

(2) The provisions of this Part of this Act making it an offence to disclose information shall continue in force notwithstanding the expiration of this Part of this Act.

Part II.

Reorganisation of Coal Mining Industry.

Constitution of Coal Mines Reorganisation Commission.

11.—(1) There shall be constituted a Coal Mines Reorganisation Commission (hereafter in this section referred to as "the Commission"), which shall consist of five commissioners appointed by the Board of Trade

Part II. —cont.

for such period and subject to such conditions as may be determined by the Board, and the Board shall appoint one of the commissioners to be chairman.

(2) A person shall be disqualified for being appointed, or being, a commissioner so long as he is a Member of the Commons House of Parliament.

(3) A commissioner shall within three months after his appointment sell or dispose of any interest or shares or securities which he may hold in his own name or in the name of a nominee for his own benefit in any undertaking carrying on in Great Britain the business of coal mining or supplying or selling coal or the manufacture or sale of by-products of coal or machinery or plant for coal mining; and it shall not be lawful for a commissioner while he holds office to acquire for his own benefit any interest or shares or securities in any such undertaking and if a commissioner, under any will or succession or otherwise, becomes entitled for his own benefit to any interest or shares or securities in any such undertaking he shall sell or dispose of it or them within three months after he has so become entitled thereto.

(4) If a commissioner becomes disqualified for holding office, or fails to comply with the provisions of the last foregoing subsection, or becomes in the opinion of the Board of Trade unfit to continue in office or incapable of performing his duties under this Act, the Board shall forthwith declare his office to be vacant, and shall notify the fact in such manner as they think fit, and thereupon the office shall become vacant.

(5) For the purposes of any business for which a quorum of the commissioners is required by this Act to be present, three commissioners personally present shall be a quorum, but, save as aforesaid, the Commission shall have power to regulate their own procedure, and may act notwithstanding a vacancy in their number.

(6) The Board of Trade may appoint a secretary to the Commission and the Commission may employ such officers and servants as the Board may, with the approval of the Treasury, determine, and there shall be paid by the Board such remuneration to the commissioners and to the secretary, officers, and servants of the Commission and such other expenses of the Commission as the Board

Part II. —*cont.*

may, with the approval of the Treasury, determine, and any expenses of the Board under this subsection shall be defrayed out of moneys provided by Parliament.

(7) Any document purporting to be issued by the Commission and to be signed by the secretary or any person authorised to act in that behalf shall be received in evidence and be deemed to have been so issued without further proof unless the contrary is shown.

General functions of Coal Mines Reorganisation Commission

12.—(1) It shall be the duty of the Coal Mines Reorganisation Commission (hereafter in this section referred to as "the Commission") to further the reorganisation of the coal mining industry with a view to facilitating the production, supply, and sale of coal by owners of coal mines, and for that purpose to promote and assist, by the preparation of schemes and otherwise, the amalgamation of undertakings consisting of or comprising coal mines where such amalgamations appear to the Commission to be in the national interest.

(2) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of their functions under this Act, and, in respect of any meeting of the Commission at which a quorum of the commissioners is present for the purpose of any such inquiry, the Tribunals of Inquiry (Evidence) Act, 1921, (other than paragraph (*a*) of section two thereof) shall apply to the Commission as if it were a tribunal established in manner provided by that Act and as if that Act had been applied thereto in the manner thereby provided.

11 & 12 Geo. 5. c. 7.

(3) The Commission may from time to time employ such technical and professional agents as they consider necessary or desirable for the discharge of their functions under this Act, and, subject as hereinafter provided, there shall be paid by the Board of Trade such remuneration to the agents so employed as the Board may, with the approval of the Treasury, determine, and the expenses of the Board under this subsection shall be defrayed out of moneys provided by Parliament:

Provided that a sum certified by an accountant appointed by the Board of Trade to be equal to the amount of any expenses properly incurred by the employment of such agents as aforesaid for the purpose of promoting or assisting the amalgamation of any undertakings shall, in the event of the undertakings being amalgamated, be repaid to the Board by the owners of the amalgamated undertaking.

Amendments of Part I of 16 & 17 Geo. 5. c. 28.

13.—(1) If it appears to the Coal Mines Reorganisation Commission that it is expedient for the purpose of promoting the more economical and efficient working, treating or disposing of coal that an amalgamation scheme or an absorption scheme, under Part I of the Mining Industry Act, 1926 (hereinafter in this section referred to as "the Act of 1926"), should be prepared and submitted with respect to any two or more undertakings consisting of or comprising coal mines, the Commissioners shall require the owners of those undertakings to prepare and submit to the Board of Trade an amalgamation scheme or absorption scheme with respect to those undertakings framed in accordance with the provisions of Part I of the Act of 1926, and if the owners fail so to submit such a scheme within such a time as may have been specified by the Commissioners, the Commissioners shall themselves prepare and submit such a scheme to the Board of Trade, and for the purposes of that Part of that Act any scheme so prepared and submitted by the Commission shall be deemed to have been prepared and submitted in manner provided by subsection (1) or (2), as the case may be, of section one of that Act, and that Act shall apply accordingly:

Provided that—

(*a*) no such scheme of amalgamation shall provide, without the consent of the owner of the undertaking, for the separation of the treating or disposing of coal from the working thereof, or, in the case of an undertaking of which the primary object is not coal mining, for the separation from the undertaking of any coal mine worked as ancillary to such primary object;

(*b*) no coal mine belonging to a company whereof all the shares are held by the owner of an undertaking of which the primary object is not coal mining shall, so long as it is worked as ancillary to such primary object, be amalgamated or absorbed by virtue of a scheme prepared under this section without the consent of the owner of that undertaking.

Part II. —*cont.*

(2) In the consideration by the Railway and Canal Commission of a scheme submitted to the Board of Trade under this section, the following paragraph shall be substituted for paragraph (*a*) of the proviso to subsection (2) of section seven of the Act of 1926 (which relates to consideration of schemes by the Commission):—

"(*a*) shall not confirm a scheme unless satisfied—

(i) that it would be in the national interest to do so, and

(ii) in the case of an amalgamation scheme that the scheme

(*a*) will result in lowering the cost of production or disposal of coal, and

(*b*) will not be financially injurious to any of the undertakings proposed to be amalgamated, unless the scheme contains provisions for the purchase, at a price to be fixed in default of agreement by arbitration, of any such undertaking; and

(iii) that the terms of the scheme are fair and equitable to all persons affected thereby; and"

(3) If the owner of any undertaking (in this subsection referred to as the "transferor undertaking") proposed by any scheme submitted by the Coal Mines Reorganisation Commission to be amalgamated with, or absorbed in, any other undertaking (in this subsection referred to as the "transferee undertaking") satisfies the Railway and Canal Commission that any property, whether real or personal, belonging to the transferor undertaking formed, at the date of the passing of this Act, a reserve which, when the scheme was submitted, was not required for the efficient carrying on of the transferor undertaking, the Railway and Canal Commission shall not confirm the scheme except after making such modifications, if any, as may be necessary for securing that that property will not be transferred to the transferee undertaking.

(4) For the purposes of any scheme under Part I of the Act of 1926 the value of the undertaking of every constituent or absorbed company shall be assessed upon the basis of what would have been the value thereof as between a willing buyer and a willing seller if this Act

Part II. —*cont.*

had not been passed, and no such scheme shall be submitted to the Board of Trade under the said Part I unless the Coal Mines Reorganisation Commission have certified that such values have been so assessed for the purposes of that scheme.

(5) Where a scheme is referred by the Board of Trade to the Railway and Canal Commission under section six of the Act of 1926, the Coal Mines Reorganisation Commission shall be entitled to appear and be heard at any proceedings in connection with the scheme.

(6) No scheme shall be submitted or certificate granted by the Commission under this section except in pursuance of a decision made at a meeting at which a quorum of the Commissioners is present.

(7) Where an amalgamation scheme submitted to the Board of Trade by the owners of two or more undertakings under subsection (1) of section one of the Act of 1926 is certified by the Coal Mines Reorganisation Commission to be in the national interest, and the owners submitting the scheme represent to the Board that it is unnecessary for the purpose of giving effect to the scheme that it should be confirmed by the Railway and Canal Commission under the Act of 1926, it shall not be necessary for the Board to refer the scheme to the Railway and Canal Commission under that Act, but if the Board certify that the provisions of the scheme as to any debentures or as to the issue of any share or loan capital are reasonably required for the purpose of the amalgamation, subsection (2) of section five of the Act of 1926 (which grants certain exemptions from stamp duty in respect of schemes confirmed by the Railway and Canal Commission) shall apply in respect of the scheme and of anything done in pursuance thereof as if the scheme had been confirmed by the Railway and Canal Commission.

(8) This section shall be construed as one with Part I of the Act of 1926.

PART III.

HOURS OF WORK.

Temporary amendment of 8 Edw. 7. c. 57. s. 3. 16 & 17 Geo. 5. c 17.

14.—(1) During the continuance of the Coal Mines Act, 1926, section three of the Coal Mines Regulation Act, 1908, shall have effect as if for the words " one hour " there were therein substituted the words " half an hour ":

PART III. —*cont.*

Provided that, if an application, by agreement between representative organisations of the owners of and the workers employed in or about the coal mines in any district, is made to the Board of Trade in that behalf with the approval of the Mining Association of Great Britain and the Miners' Federation of Great Britain, the Board of Trade shall make an order, which shall become effective forthwith, that the substitution of the words "half an hour" for the words "one hour" in section three of the Coal Mines Regulation Act, 1908, shall not apply as respects any mine in such district at which the daily hours below ground on an average taken over the twelve weekdays in any fortnight do not exceed the daily hours permissible under section one of the Coal Mines Regulation Act, 1908, as amended by the Coal Mines Act, 1919, by more than the extension of half an hour made under section three of the Coal Mines Regulation Act, 1908, as amended by the Coal Mines Act, 1926, and this section.

8 Edw. 7. c. 57.

9 & 10 Geo. 5. c. 48.

At any mine where an extension of time is in any week made under the said section three, the workmen, by agreement between representatives of employers and workmen, may, notwithstanding anything in the Coal Mines Regulation Act, 1908, as amended by any subsequent enactment, begin their period of work on the Saturday of that week before twenty-four hours have elapsed since the beginning of their last period of work, so long as at least eight hours have elapsed since the termination thereof.

(2) This section shall come into operation at the expiration of the period of four months from the passing of this Act.

PART IV.

COAL MINES NATIONAL INDUSTRIAL BOARD.

Power to constitute Coal Mines National Industrial Board and functions thereof.

15.—(1) The Board of Trade may by order constitute a Coal Mines National Industrial Board (in this section referred to as the "National Board") consisting of seventeen members appointed by the Board of Trade, so, however, that before appointing the members of the National Board other than the chairman, the Board of Trade shall consult the Mining Association of Great Britain as to six, the Miners' Federation of Great Britain as to six, the Federation of British Industries and the

Association of British Chambers of Commerce as to one, and each of the following bodies as to one, that is to say—

Part IV. —*cont.*

The General Council of the Trade Union Congress;
The Co-operative Union;
The National Confederation of Employers' Organisations;

and the Chairman of the National Board shall not be a member of any of the bodies aforesaid.

(2) Before appointing any person to fill a vacancy among the members of the National Board, the Board of Trade shall consult the body (if any) which they were required by this section to consult before appointing his predecessor. If a member becomes in the opinion of the Board of Trade unfit to continue in office or incapable of performing his duties under this Act the Board shall forthwith declare his office to be vacant and shall notify the fact in such manner as they think fit and thereupon the office shall become vacant.

A member may resign his office by notice in writing under his hand given to the Board of Trade.

(3) The Board of Trade may appoint a secretary to the National Board, and there shall be paid by the Board of Trade such remuneration (if any) to the chairman, such travelling and subsistence allowances to the chairman and members and such remuneration to the secretary of the National Board, and such other expenses of the National Board, as the Board of Trade, with the approval of the Treasury, may determine, and any expenses of the Board of Trade under this subsection shall be defrayed out of moneys provided by Parliament.

(4) Any agreement between the owners of, and the workers employed in or about, the coal mines in any district providing for the regulation of wages or other conditions of labour throughout the coal mines in the district may be sent to the National Board, and it shall be the duty of the National Board to record any agreement so sent.

(5) Where there exists, or is apprehended, any dispute between the owners of and the workers employed in or about the coal mines in any district as to the terms of a proposed agreement between such owners and workers providing for the regulation of wages or other conditions of labour throughout the coal mines in the district, and there has been a failure to settle the dispute

Part IV. —*cont.*

in accordance with the arrangements existing in the district for the settlement thereof, either the owners or the workers may refer the dispute to the National Board who shall thereupon inquire into the dispute and report thereon to the owners and workers concerned.

(6) The Board of Trade may make rules regulating the procedure of the National Board, and those rules may, among other things, provide—

(*a*) for enabling the National Board to act notwithstanding any vacancy in their number;

(*b*) for the hearing of a reference in public or in private, at the discretion of the National Board.

(7) There shall not be included in any report or publication made or authorised by the National Board any information, obtained by the National Board in the course of a reference to them, as to any trade union or as to any particular undertaking, which is not available otherwise than through evidence given during the reference, except with the consent of the secretary of the trade union or of the owner of the undertaking in question, and if any individual member of the National Board or any person concerned in the reference, without such consent, discloses any such information, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Part V.

General.

Application of 52 & 53 Vict. c. 49.

16.—(1) The provisions of the Arbitration Act, 1889, shall not apply to any reference to the Coal Mines National Industrial Board, except in so far as any of the said provisions may be applied by the rules made under Part IV of this Act.

(2) No scheme or rules approved or made under Part I of this Act shall exclude the application of the Arbitration Act, 1889, to any arbitration held in pursuance of that Part of this Act except in so far as that Act is inconsistent with that Part of this Act:

Provided that, where on any such arbitration an award is stated in the form of a special case for the opinion of the court under paragraph (*b*) of section seven of that Act, the decision of the High Court thereon shall be final.

PART V. —*cont.*

Exclusion of 10 & 11 Geo. 5. c. 50, s. 5 (2).

17. The expenses of the Board of Trade which are by this Act directed to be defrayed out of moneys provided by Parliament shall not be taken into account in computing the amount of the expenses of the Department of Mines for the purposes of the limit imposed by subsection (2) of section five of the Mining Industry Act, 1920, upon the expenses of that department.

Interpretation.

18.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them:—

"Class," in relation to coal, means a class determined according to the nature of the coal or of the trade, industry or other category of consumer supplied, or according to whether it be supplied for use in Great Britain or for export to any other country:

"Coal" includes bituminous coal, cannel coal, and anthracite:

"Coal mine" means any mine or open working where the getting of coal (including for the purposes of Part IV of this Act, lignite or brown coal), is the principal object of the mining or quarrying operations:

"Disposal" in relation to a coal mine means the tonnage in saleable coal raised and weighed at the pit head at that coal mine, after deducting all coal to be used for the purpose of working the mine and all coal to be supplied free or at reduced rates for the use of persons who are or have been employed in or about the mine and the dependants of persons who have been so employed, and in relation to a district means the aggregate tonnage in saleable coal raised and so weighed at all the coal mines in the district after making the deductions aforesaid:

"District" means for the purposes of Part I of this Act a district mentioned in Part I of the Schedule to this Act, subject to any amalgamation or adjustment of districts under Part II of that Schedule; and for the purposes of Parts III and IV of this Act has the same meaning as it has for the purpose of the arrangements for the time being in force for the regulation of wages in the coal mining industry:

"Functions" includes powers and duties:

PART V. —*cont.*

"Output" in relation to a coal mine means the tonnage in coal raised and weighed at the pit head at that coal mine, and in relation to Great Britain or a district means the aggregate tonnage in coal raised and so weighed at all the coal mines in Great Britain or the district, as the case may be:

1 & 2 Geo. 5. c. 50.

"Owner" has the same meaning as in the Coal Mines Act, 1911.

(2) The references in this Act to the London Gazette shall, in so far as any scheme or order relates to Scotland, be construed as references to the Edinburgh Gazette.

Short title, citation and extent.

19.—(1) This Act may be cited as the Coal Mines Act, 1930, and the Coal Mines Acts, 1887 to 1926, and this Act may be cited together as the Coal Mines Acts, 1887 to 1930.

(2) This Act shall not extend to Northern Ireland.

Section 18.

SCHEDULE.

PART I.

DISTRICTS FOR PURPOSES OF PART I OF ACT.

Northumberland.
Durham.
Cumberland.
Lancashire and Cheshire.
Yorkshire.
Derbyshire (exclusive of South Derbyshire).
South Derbyshire.
Nottinghamshire.
Leicestershire.
Shropshire.
North Staffordshire.
South Staffordshire (exclusive of Cannock Chase) and Worcestershire.
Cannock Chase.
Warwickshire.
Forest of Dean.
Bristol.
Somerset.
Kent.
North Wales.
South Wales (including Monmouthshire).
Scotland.

Part II.

Provisions as to Amalgamation and Adjustment of Districts.

1. If an application is made to the Board of Trade for the amalgamation of two or more districts, and the Board are satisfied that the application has been duly approved in accordance with paragraph 3 of this Part of this Schedule, the Board may by order direct that those districts be treated as one district.

2. If an application is made to the Board of Trade by the owner of a mine situate in any district that the mine should be treated as if it were situate in any other adjoining district, and the Board are satisfied that the application has been duly approved in accordance with the next following paragraph and that the mine has, for the purpose of the arrangements in force for the regulation of wages in the coal mining industry, been customarily treated as a mine situate in that other district, the Board may by order direct that that mine shall be treated as situate in that other district.

3. An application shall not be deemed to have been duly approved for the purposes of this Part of this Schedule unless it has been approved as respects every district to which the application relates by the owners of coal mines which produced more than half the output of those districts respectively, during the period of six months ending on the thirtieth day of June or the thirty-first day of December last preceding the date of the application, whichever day is the later:

Provided that if in the case of an application made before the first day of January, nineteen hundred and thirty-one, it appears to the Board of Trade that during such period of six months as aforesaid the output of a substantial number of coal mines in any district was subject to regulation under any arrangements made by a voluntary association or otherwise, the Board may treat any application submitted to them which relates to that district as if the latest period of six months during which the output of those coal mines was not so regulated had been the period mentioned in the foregoing provisions of this paragraph.

4. If for the purpose of the arrangements for the time being in force for the regulation of wages in the coal mining industry any adjustments are made in the districts specified in Part I of this Schedule, the Board of Trade may, if they think fit, by order direct that corresponding adjustments shall be made for the purposes of Part I of this Act, and upon the making of any such order, Part I of this Schedule shall have effect subject to any modification specified in the order.

CHAPTER 35.

An Act to provide for the compulsory closing of hairdressers' and barbers' shops on Sundays.
[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Business of hairdresser or barber not to be carried on on Sunday.

1. Subject to the provisions of this Act, it shall not be lawful for any person to carry on the business of a hairdresser or barber on Sunday.

Exemption as respects hairdressers or barbers attending certain persons.

2. Notwithstanding anything in this or any other Act, any person carrying on the business of a hairdresser or barber may, at any time, for the purposes of that business attend any person—

(*a*) in any place, if that person is unable, by reason of bodily or mental infirmity, to go to the place where such business as aforesaid is carried on; or

(*b*) in any hotel, if that person is resident therein; or

(*c*) in any sea-going ship:

Provided that nothing in this section shall authorise the employment of any shop assistant in or about the business of a shop at any time when it would, under the Shops Acts, 1912 to 1928, be unlawful for him to be so employed.

Exemption as respects Jewish hairdressers and barbers.

3.—(1) Notwithstanding anything in this or any other Act, any person of the Jewish religion may carry on the business of a hairdresser or barber on Sunday on condition that he complies with the following provisions (that is to say):—

(*a*) he shall not carry on the business on Saturday; and (*b*) he shall previously give notice to the local authority of his intention to carry on the business on Sunday; and

(*c*) if he carries on the business in any shop, he shall cause to be kept conspicuously posted in the shop a notice stating that it is open on Sunday for the purposes of the business, but is not open on Saturday for those purposes.

(2) As respects any shop in which any such person carries on the said business on Sunday in compliance with the provisions of the foregoing subsection, the Shops Act, 1912, shall have effect subject to the following modifications (that is to say):— 2 & 3 Geo. 5. c. 3.

(*a*) subsection (1) of section one of that Act (which relates to the hours of employment of shop assistants) shall have effect as if it required a shop assistant not to be employed about the business of a shop after half-past one o'clock in the afternoon on at least one day in every week other than Saturday; and

(*b*) section four of that Act (which relates to the closing of shops on weekly half-holidays) shall have effect as if—

(i) subsection (1) required every shop to be closed for the serving of customers not later than one o'clock in the afternoon on one day in every week other than Saturday; and

(ii) in subsection (2) the word "Friday" were substituted for the word "Saturday" wherever the last mentioned word occurs.

Penalties and enforcement of Act.

4.—(1) Any person who contravenes the provisions of this Act shall be liable to a penalty not exceeding in the case of a first offence two pounds, and in the case of a second or subsequent offence twenty pounds.

(2) Sections thirteen and fourteen of the Shops Act, 1912 (which relate to the enforcement of that Act), shall apply with respect to the provisions of this Act as they apply with respect to the provisions of that Act.

Interpretation.

5. In this Act the expressions "local authority," "shop" and "shop assistant" have respectively the same meanings as in the Shops Act, 1912.

Short title, commencement and extent.

6.—(1) This Act may be cited as the Hairdressers' and Barbers' Shops (Sunday Closing) Act, 1930, and shall come into operation on the first day of January, nineteen hundred and thirty-one.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 36.

An Act to enable education authorities in Scotland to incur expenditure in supplying milk to children attending schools within their area.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Education authorities to have power to supply milk to pupils.

1. It shall be lawful for an education authority, if they think fit, in addition to any powers already vested in them, to incur expenditure and to defray the same out of the education fund in supplying milk in accordance with a scheme approved by the Scottish Education Department and the Department of Health for Scotland to pupils attending schools within their area, and any such scheme shall provide for the exemption from it by the education authority of pupils whose parents may apply for exemption on grounds which may be approved by the education authority, and may contain provision for the recovery from the parents of the pupils so supplied of the cost thereby incurred or, in the case of parents unable by reason of poverty to pay the whole of such cost, of such part thereof, if any, as they may in the opinion of the education authority be able to pay:

Provided that the milk to be supplied under any such scheme shall be certified milk, or failing that milk, milk of the best grade available in the area.

2. This Act may be cited as the Education (Scotland) Act, 1930, and shall be construed as one with the Education (Scotland) Acts, 1872 to 1928.

Citation and construction.

CHAPTER 37.

An Act to make provision for the adoption of children in Scotland. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to make adoption orders.

1.—(1) Upon an application in the prescribed manner by any person desirous of being authorised to adopt a child under the age of twenty-one years who has never been married, the Court may, subject to the provisions of this Act, make an order (in this Act referred to as "an adoption order") authorising the applicant to adopt that child.

(2) A person so authorised to adopt the child and a child authorised to be adopted are in this Act referred to as an "adopter" and an "adopted child" respectively.

(3) Where an application for an adoption order is made by two spouses jointly, the Court may make the order authorising the two spouses jointly to adopt, but save as aforesaid no adoption order shall be made authorising more than one person to adopt a child.

Restrictions on making adoption orders.

2.—(1) An adoption order shall not be made in any case where—

(*a*) the applicant is, or in the case of a joint application both applicants are, under the age of twenty-five years; or (*b*) the applicant is, or in the case of a joint application both applicants are, less than twenty-one years older than the child in respect of whom the application is made :

Provided that, where the applicant or one or other of the joint applicants and the child are within the prohibited degrees of consanguinity, it shall be lawful for the Court, if it thinks fit, to make the order notwithstanding that the applicant is less than twenty-one years older than the child.

(2) An adoption order shall not be made in any case where the sole applicant is a male and the child in respect of whom the application is made is a female unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(3) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the child in respect of whom the application is made or who has the actual custody of the child or who is liable to contribute to the support of the child and except with the consent of the child if a minor :

Provided that the Court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with has neglected or treated with cruelty the child or has abandoned or deserted the child or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the child, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the Court and in all the circumstances of the case, to be dispensed with.

(4) An adoption order shall not be made upon the application of one of two spouses without the consent of the other of them :

Provided that the Court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(5) An adoption order shall not be made in favour of any applicant who is not resident and domiciled in Scotland or in respect of any child who is not a British subject and so resident.

Matters with respect to which Court to be satisfied.

3. The Court before making an adoption order shall be satisfied—

(*a*) that every person whose consent is necessary under this Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights; and

(*b*) that the order if made will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child, having regard to the age and understanding of the child; and

(*c*) that the applicant has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the Court may sanction.

Terms and conditions of order.

4. The Court in an adoption order may impose such terms and conditions as the Court may think fit and in particular may require the adopter by bond or otherwise to make for the adopted child such provision (if any) as in the opinion of the Court is just and expedient.

Effect of adoption order.

5.—(1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as though the adopted child was a child born to the adopter in lawful wedlock, and in respect of the same matters and in respect of the liability of a child to maintain its parents the adopted child shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock:

Provided that, in any case where two spouses are the adopters, such spouses shall in respect of the matters aforesaid and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child would have stood to a lawful father and mother respectively.

(2) An adopted child if adopted either by two spouses jointly or by one of two spouses in the lifetime of the other shall, for the purposes of the Widows', Orphans and Old Age Contributory Pensions Acts, 1925 and 1929, and Workmen's Compensation Act, 1925, be treated as being the child of those spouses and as not being the child of any other person:

15 & 16 Geo. 5. c. 84.

Provided that this subsection shall not apply in the case of a child in respect of whom an additional allowance or orphan's pension was payable under the said Acts at the date of his adoption.

(3) An adoption order shall not deprive the adopted child of any legal rights competent to him in the estate of his parents or of any right to or interest in property to which, but for the order, the child would have been entitled under any intestacy or disposition, whether occurring or made before or after the making of the adoption order, or confer on the adopted child any right to or interest in property as a child of the adopter, and the expressions "child," "children," and "issue" where used in relation to any person in any disposition shall not, unless the contrary intention appears, include

an adopted child or children of such person or the issue of an adopted child of such person.

(4) Where an adopted child or the spouse or issue of an adopted child takes any interest in heritable or moveable property under a disposition by the adopter, or where an adopter takes any interest in heritable or moveable property under a disposition by an adopted child or the spouse or issue of an adopted child, any succession, legacy or other duty which becomes leviable in respect thereof shall be payable at the same rate as if the adopted child had been a child born to the adopter in lawful wedlock.

(5) For the purposes of this section " disposition " means a deed, instrument or writing whether inter vivos or mortis causa whereby property is conveyed or under which a succession arises.

(6) For the purposes of the enactments relating to friendly societies, collecting societies and industrial assurance companies, which enable such societies and companies to insure money to be paid for funeral expenses, and which restrict the persons to whom money may be paid on the death of a child under the age of ten, the adopter shall be deemed to be the parent of the child; and where before the adoption order was made any such insurance had been effected by the natural parent of the child, the rights and liabilities under the policy shall by virtue of the adoption order be transferred to the adopter, and the adopter shall, for the purposes of the said enactments, be treated as the person who took out the policy.

Power to make interim orders.

6.—(1) Upon any application for an adoption order, the Court may postpone the determination of the application and may make an interim order (which shall not be an adoption order for the purposes of this Act) giving the custody of the child to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the Court may think fit.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the Court to dispense with any such consent.

Power to make subsequent order in respect of child already subject to an order.

7. An adoption order or an interim order may be made in respect of a child under the age of twenty-one years who has already been the subject of an adoption order, and, upon any application for such further adoption order, the adopter or adopters under the adoption order last previously made shall, if living, be deemed to be the parent or parents of the child for all the purposes of this Act.

Jurisdiction and procedure.

8.—(1) The Court having jurisdiction to make adoption orders under this Act shall be the Court of Session, or the sheriff court within whose jurisdiction either the applicant or the child resides at the date of the application for the adoption order.

(2) Provision shall be made by Act of Sederunt with regard to any matter to be prescribed under this Act to the manner in which applications to the Court are to be made and generally with regard to all matters of procedure and incidental matters arising out of this Act and for carrying this Act into effect.

Such Act of Sederunt may provide for applications for adoption orders being heard and determined otherwise than in open Court.

(3) For the purpose of any application under this Act and subject to any Act of Sederunt under this section, the Court shall appoint some person to act as curator ad litem of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the Court, and where the person so appointed is an officer or servant of a local authority and appointed as such the Court may authorise the authority to incur any necessary expenditure, and may direct out of which rate such expenditure is to be defrayed, but nothing in this section shall be deemed to authorise the Court to appoint an officer or servant of a local authority to act as curator ad litem of a child except with the consent of that authority.

Restriction on payments.

9. It shall not be lawful for any adopter or for any parent or guardian except with the sanction of the Court to receive any payment or other reward in consideration of the adoption of any child under this Act or for any person to make or give or agree to make or give to any adopter or to any parent or guardian any such payment or reward.

Provisions as to existing de facto adoptions.

10. Where at the date of the commencement of this Act any child under the age of twenty-one years is in the custody of, and being brought up, maintained and educated by any person or two spouses jointly as his, her or their own child under any de facto adoption, and has for a period of not less than two years before such commencement been in such custody and been so brought up maintained and educated, the Court may, upon the application of such person or spouses, and notwithstanding that the applicant is a male and the child a female, make an adoption order authorising him, her or them to adopt the child without requiring the consent of any parent or guardian of the child to be obtained, upon being satisfied that in all the circumstances of the case it is just and equitable and for the welfare of the child that no such consent should be required and that an adoption order should be made.

Adopted children register.

11.—(1) The Registrar-General for Scotland shall establish and maintain at the General Registry Office a register to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

(2) Every adoption order shall contain a direction to the Registrar-General to make in the Adopted Children Register an entry recording the adoption in the form set out in the Schedule hereto.

(3) There shall be produced with every application for an adoption order in respect of a child whose birth has been registered under the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854, an extract of the entry of the birth, and the adoption order in any such case shall direct the Registrar-General to cause any entry in the register of births relating to such child to be marked with the word "adopted."

17 & 18 Vict. c. 80.

(4) Where, in any application for an adoption order, the date of the child's birth is proved to the satisfaction of the Court, whether by production of an extract of the entry of the birth in the register of births or otherwise,

the adoption order shall direct the Registrar-General to include in the entry in the Adopted Children Register recording the adoption the date so proved in the manner indicated in the Schedule hereto.

(5) The clerk of the Court shall cause every adoption order to be communicated to the Registrar-General, and upon receipt of such communication the Registrar-General, shall cause compliance to be made with the directions contained in such order in regard both to marking any entry in the Register of Births with the word "Adopted" and in regard to making the appropriate entry in the Adopted Children Register.

(6) An extract of any entry in the Adopted Children Register if purporting to be sealed or stamped with the seal of the General Registry Office shall, without any further or other proof of such entry—

(*a*) where the entry does not contain any record of the date of the birth of the adopted child be received as evidence of the adoption to which the same relates; and

(*b*) where the entry contains a record of the date of the birth of the adopted child be received not only as evidence of the adoption to which the same relates but also as evidence of the date of the birth of the adopted child to which the same relates in all respects as though the same were a certified copy of an entry in the Register of Births.

(7) The Registrar-General shall cause an index of the Adopted Children Register to be made and kept in the General Registry Office, and every person shall be entitled to search such index and to have an extract of any entry in the Adopted Children Register in all respects upon, and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, and the Acts amending that Act, in respect of searches in other indexes kept in the General Registry Office, and in respect of the supply from such office of extracts of entries in the Registers of Births, Deaths and Marriages.

(8) The Registrar-General shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein as may be necessary, to record and make traceable the connection between any entry in the register of births which has been marked "Adopted" pursuant to this Act and any corresponding entry in the Adopted Children Register, but such additional registers and books shall not be nor shall any index thereof be open to public inspection or search, nor, except under an order of the Court of Session or a sheriff, shall the Registrar-General furnish any information contained in or any copy or extract from any such registers or books to any person other than an adopted child who has attained the age of seventeen years and to whom such information, copy, or extract relates.

(9) The provisions of the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854, as amended by any subsequent enactment with regard to the registration of names given in baptism, or without baptism, after registration of birth, and with regard to the correction of erroneous entries, shall apply to the Adopted Children Register, and to registration therein in like manner as they apply to any register of births and to registration therein.

(10) Regulations made under the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, and the Acts amending that Act may make provision as to the duties to be performed by Registrars of Births, Deaths and Marriages in the execution of this Act.

Short title, commencement and extent.

12.—(1) This Act may be cited as the Adoption of Children (Scotland) Act, 1930.

(2) This Act shall come into operation on the first day of October nineteen hundred and thirty.

(3) This Act shall apply only to Scotland.

Section 11.

SCHEDULE

	1.	2.	3.	4.	5.	6.
No. of Entry.	Name and Surname of Adopted Child.	Date of Birth, where Adoption Order directs entry of date of Birth.	Sex.	Name and Surname, Occupation and Address of Adopter or Adopters.	Date of Adoption Order and Description of Court by which made.	Date of Registration and Signature of Registrar-General.

CHAPTER 38.

An Act to amend the Navy and Marines (Wills) Act, 1865. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 28 & 29 Vict. c. 72.

1.—(1) The following provisions of the Navy and Marines (Wills) Act, 1865 (hereinafter referred to as "the principal Act") shall cease to have effect, that is to say:—

(*a*) section three (which provides that a will made by any person before entering into service as a seaman or marine shall not be valid to pass any effects or money in charge of, or payable by, the Admiralty);

(*b*) section four (which provides that a will made by a seaman or marine shall not be valid for any purpose if it is contained in the same document as a power of attorney);

(*c*) paragraphs (2) and (3) of section five (which provide that a will made by a seaman or marine shall not be valid to pass any effects or money in charge of, or payable by, the Admiralty unless it is attested by certain persons);

(*d*) section seven (which provides that the Admiralty may in certain circumstances deliver or pay any effects or money in their charge, or payable by them, to a person claiming under a will which is not made in conformity with the provisions of the principal Act).

(2) The amendments specified in the second column of the First Schedule to this Act (being amendments relating to matters of minor detail) shall be made in the sections of the principal Act specified in the first column of that Schedule.

Short title, citation, application and repeal.

2.—(1) This Act may be cited as the Navy and Marines (Wills) Act, 1930, and the principal Act and this Act may be cited together as the Navy and Marines (Wills) Acts, 1865 and 1930.

(2) This Act shall not apply to the will of any person who died before the commencement of this Act.

(3) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE.

Minor Amendments of the Principal Act.

Sections to be amended.	Amendment.
Section 2 - -	For the words " assistant engineers and of kroomen " there shall be substituted the words " native ratings."
Section 5 - -	In paragraph (1) for the words " persons not " being soldiers in actual military service or " mariners or seamen at sea " there shall be substituted the words " persons to whom " section eleven of the Wills Act, 1837, as " amended by any subsequent enactment, " does not apply."
Section 6 - -	In paragraph (1) the words " or chaplain " and the words " or the agent of a naval hospital " shall be omitted, and after the word " military " there shall be inserted the words " or air "; in paragraph (3) for the words " persons not being soldiers in actual military " service or mariners or seamen at sea " there shall be substituted the words " persons " to whom section eleven of the Wills Act, " 1837, as amended by any subsequent " enactment, does not apply."

SECOND SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
28 & 29 Vict. c. 72.	The Navy and Marines (Wills) Act, 1865.	Section three; section four; paragraphs (2) and (3) of section five; in paragraph (1) of section six the words "or chaplain" and the words "or the agent of a naval "hospital"; section seven.
60 & 61 Vict. c. 15.	The Navy and Marines (Wills) Act, 1897.	The whole Act.

* * *

CHAPTER 39.

An Act to make further and better provision with respect to the clearance or improvement of unhealthy areas, the repair or demolition of insanitary houses and the housing of persons of the working classes; to amend the Housing Act, 1925, the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and the other enactments relating to housing subsidies; and for purposes connected with the matters aforesaid. [1st August 1930.]

Repealed
except s. 26
(5) and ss. 2
43, 44, 46
64 and 65
by the Housin
Act 1936 (c
57).

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Provisions with respect to the Clearance or Improvement of Unhealthy Areas.

Clearance Areas.

1.—(1) Where a local authority, upon consideration of an official representation or other information in their

Local authority may declare

Part I. —*cont.*

unhealthy area to be clearance area.

possession, are satisfied as respects any area in their district—

(i) that the dwelling-houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants; and

(ii) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area,

the authority shall cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health and shall pass a resolution declaring the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions hereinafter contained:

Provided that, before passing any such resolution, the authority shall satisfy themselves—

(*a*) that in so far as suitable accommodation available for the persons of the working classes who will be displaced by the clearance of the area does not already exist, the authority can provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof, proceeds; and

(*b*) that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.

(2) A local authority shall forthwith transmit to the Minister a copy of any resolution passed by them under this section, together with a statement of the number of persons of the working classes who on a day specified in the statement were occupying the buildings comprised in the clearance area.

(3) So soon as may be after a local authority have declared any area to be a clearance area, they shall, in accordance with the appropriate provisions hereafter

PART I. —*cont.*

in this Act contained, proceed to secure the clearance of the area in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

(i) by ordering the demolition of the buildings in the area; or

(ii) by purchasing the land comprised in the area and themselves undertaking, or otherwise securing, the demolition of the buildings thereon.

Clearance orders.

2.—(1) Where as respects any area declared by them to be a clearance area a local authority determine to order any buildings in the area to be demolished, they shall make and submit to the Minister, for confirmation by him, an order (in this Act referred to as a "clearance order") ordering the demolition of each of those buildings.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the making, submission and confirmation of clearance orders.

[illegible]

(3) When a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority may deem reasonable; and, if the building is not demolished before the expiration of that period, the local authority shall enter and demolish the building and sell the materials thereof.

(4) Any expenses incurred by an authority under the last preceding subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt in the county court within the jurisdiction of which the premises are situate from the owner of the building or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the judge may determine to be just and equitable.

Part I. —*cont.*

Any surplus in the hands of the authority shall be paid by them to the owner of the building, or if there is more than one owner, shall be paid as those owners may agree, or may, in default of agreement, be paid into the county court in accordance with the provisions of section seventy of the County Courts Act, 1888, as if the authority were by virtue of this subsection trustees of the surplus for the owners of the building, and may be paid out to the owners by order of the judge in such shares as he may determine to be just and equitable.

51 & 52 Vict. c. 43.

A county court judge, in determining for the purposes of this subsection the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a building, shall have regard to their respective interests in the building, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

(5) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, if any, as the local authority may think fit to impose:

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the authority to cancel or modify any such restriction or condition, may at any time appeal to the Minister, who shall make such order in the matter as he thinks proper, and the Minister's decision shall be final.

A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under this subsection shall, on summary conviction, be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding ten pounds in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

Purchase by local authority of land surrounded by or adjoining clearance area.

3. Where as respects any area declared by them to be a clearance area a local authority determine to purchase any land comprised in the area, they may purchase also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area.

Part I. —*cont.*

Provisions with respect to property belonging to a local authority within or adjacent to a clearance area.

4. A local authority when declaring an area to be a clearance area may include in that area, as defined by them, any land which they have previously acquired with the intention of demolishing the buildings thereon, either under section fifty-four of the Housing Act, 1925 (in this Act referred to as "the principal Act"), (which empowers an authority to acquire in advance land in an area proposed for inclusion in an improvement or reconstruction scheme) or under section sixty-three of that Act (which empowers an authority to acquire land for the purposes of their powers and duties in connection with the provision of houses for the working classes), and where any such land of the authority is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been purchased by the authority under section three of this Act had it not previously been acquired by them, the provisions of this Act shall apply in relation to that land as if it had been purchased by the authority as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining the clearance area.

15 Geo. 5. c. 14.

Treatment of clearance area.

5.—(1) A local authority who have under this Part of this Act purchased any land comprised in, or surrounded by, or adjoining, a clearance area shall, so soon as may be, cause every building thereon to be vacated and subject to compliance with any provision contained in a compulsory purchase order with respect to the carrying out of re-housing operations shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say—

(*a*) they shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances they deem reasonable, and thereafter may sell or let the land subject to such restrictions and conditions, if any, as they think fit, or may, subject to the approval of the Minister, and subject to the like restrictions as are contained in section ninety-five of the Public Health

7 Edw. 7. c. 53.

Part I. —*cont.*

Acts Amendment Act, 1907, with respect to the appropriation of land by local authorities under that section, appropriate the land for any purpose for which they are authorised to acquire land; or

(*b*) they shall, so soon as may be, sell or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they think fit.

(2) Land sold or leased under this section shall be sold or leased at the best price or for the best rent that can reasonably be obtained having regard to any restriction or condition imposed, and any capital money received in respect of any transaction under this section shall be applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may be properly applied.

(3) For the purposes of this section "sale" includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and "sell" has a corresponding meaning.

Power of local authority to purchase cleared land which owners have failed to re-develop.

6.—(1) Where land has been cleared of buildings in accordance with a clearance order made under this Part of this Act, the local authority may, at any time after the expiration of eighteen months from the date on which the clearance order became operative, by resolution determine to purchase any part of that land which at the date of the passing of their resolution has not been, or is not in process of being, used for building purposes, or otherwise developed, by the owner thereof in accordance with plans approved by the authority and any restrictions or conditions imposed under subsection (5) of section two of this Act.

(2) A local authority shall deal with any land purchased by them under this section by sale, letting, or appropriation, in accordance with the provisions of the last preceding section.

Improvement Areas.

Local authority may declare unhealthy area to be

7.—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district that the housing conditions in that area improvement area.

are dangerous or injurious to the health of the inhabitants by reason of the disrepair or sanitary defects of dwelling-houses therein, and also by reason either of overcrowding in the area or of the bad arrangement of the houses or of the narrowness or bad arrangement of the streets, and that those conditions can be effectively remedied, without the demolition of all the buildings in the area, by—

(i) the demolition or repair, as the circumstances may require, of those dwelling-houses which are unfit for human habitation;

(ii) the purchase by the authority of any land in the area which it is expedient for them to acquire for opening out the area and, if any buildings on that land have not previously been demolished, the demolition of those buildings, so far as it is necessary to demolish them for that purpose; and

(iii) the abatement of over-crowding in the area,

the authority may cause that area to be defined on a map, and may pass a resolution declaring the area so defined to be an improvement area:

Provided that, before passing any such resolution, the authority shall satisfy the Minister that the size of the area is such that the housing conditions therein can be remedied effectively within a reasonable period and that in so far as suitable accommodation available for the persons of the working classes who will be displaced by the steps which the authority propose to take for the improvement of the area does not already exist, the authority will provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as those steps are taken.

(2) An authority who have passed a resolution declaring an area to be an improvement area, shall forthwith—

(*a*) publish, in one or more newspapers circulating within their district, a notice stating the terms of the resolution and the date on which it was passed, and naming a place at which a copy of the resolution and of the map referred to therein may be seen at all reasonable hours; and (*b*) transmit a copy of the resolution to the Minister, together with an estimate of the number of persons of the working classes whose displacement will be rendered necessary by any steps which the authority propose to take for the improvement of the area.

Treatment of improvement area.

8.—(1) A local authority who have passed a resolution declaring an area to be an improvement area, shall so soon as may be—

(i) in the case of dwelling-houses which are unfit for human habitation, serve notices under Part II of this Act requiring the execution of all necessary works thereon, or the demolition thereof, and enforce compliance with those notices;

(ii) in so far as the improvement of the area involves the purchase of land for opening out the area, proceed to purchase that land unless the authority are satisfied that the opening out of the area will be adequately carried out by the owner or owners of the land; and

(iii) in any case, make and enforce under sections six and seven of the principal Act, byelaws satisfactory to the Minister for preventing and abating over-crowding in the area and generally for securing the improvement of housing conditions and the subsequent maintenance of a proper standard of housing conditions therein.

(2) An authority who have purchased any land under this section shall carry out, or secure the carrying out of such demolitions as may be necessary for opening out the area, and, subject thereto, shall deal with that land by sale, letting or appropriation in accordance with the provisions of section five of this Act.

(3) The byelaws to be made in pursuance of this section may include, amongst other provisions, provisions for all or any of the purposes mentioned in the said section six of the principal Act, and may be made applicable to any house, whether let in lodgings or occupied by members of more than one family or by one family only.

(4) Where any action taken by a local authority under this section with respect to a dwelling-house in an improvement area results in the tenant of that house, or of any part thereof, removing therefrom, then notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, if applicable to that house or part, shall not cease to apply thereto by reason only of the fact that upon such removal the landlord comes into possession of the house or part of a house.

13 & 14 Geo. 5. c. 32.

(5) The declaration of any area to be an improvement area shall not preclude any local authority from exercising any powers which in the absence of such a declaration would have been exercisable by them within that area.

General.

Obligations of local authority with respect to re-housing.

9. A local authority who have passed a resolution declaring any area to be a clearance area or an improvement area shall, before taking any action under that resolution which will necessitate the displacement of any persons of the working classes, undertake to carry out or to secure the carrying out of such re-housing operations, if any, within such period as the Minister may consider to be reasonably necessary.

Provisions as to purchase of land.

10.—(1) Where a local authority have determined to purchase land under this Part of this Act, they may purchase that land by agreement or they may be authorised to purchase that land compulsorily by means of an order (in this Act referred to as "a compulsory purchase order") made and submitted to the Minister and confirmed by him in accordance with the provisions of the Second Schedule to this Act.

(2) An order authorising the compulsory purchase of land comprised in a clearance area shall be submitted to the Minister within six months, and an order authorising the compulsory purchase of land surrounded by or adjoining a clearance area, or of land required for opening out an improvement area, shall be submitted to the Minister within twelve months, after the date of the resolution declaring the area to be a clearance area or,

Part I. —*cont.*

as the case may be, an improvement area, or within such longer period as the Minister may, in the circumstances of the particular case, allow.

(3) An order authorising the compulsory purchase of land which the authority have resolved to purchase under section six of this Act as being land which has been cleared of buildings in accordance with a clearance order and has not been, or is not in process of being, used for building purposes, or otherwise developed, by the owner thereof, shall be submitted to the Minister within three months after the date of the passing of the resolution.

Validity and date of operation of clearance orders and compulsory purchase orders.

11.—(1) The provisions of this section shall have effect with respect to the validity of clearance orders and compulsory purchase orders made under this Act, and the date on which such an order is to come into operation.

(2) So soon as may be after an order has been confirmed by the Minister, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the order, appeared at the public local inquiry in support of his objection.

(3) If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice of confirmation, make an application for the purpose to the High Court, and where any such application is duly made the court—

(i) may by interim order suspend the operation of the order either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and

(ii) if satisfied upon the hearing of the application that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order either generally or in so far as it affects any property of the applicant.

(4) Subject to the provisions of the last preceding subsection, an order shall not, either before or after its confirmation, be questioned by prohibition or certiorari or in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of subsection (2) of this section.

(5) Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this section.

(6) So soon as may be after an order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Minister for confirmation.

Assessment of compensation in respect of land purchased compulsorily.

12.—(1) Where land is purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions of this section.

(2) In the case of land comprised in a clearance area, the compensation to be paid for the land, including any buildings thereon, shall be assessed in accordance with the provisions of subsections (1) and (2) of section forty-six of the principal Act subject, as regards the first mentioned of those subsections, to the modifications contained in Part I of the Third Schedule to this Act.

(3) In the case of any other land, the compensation shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to this Act.

Extinguishment of ways, easements, &c.

13.—(1) A local authority may, with the approval of the Minister, by order extinguish any public right of way over any land purchased by them under this Part of this Act, but an order made by an authority under this subsection shall be published in the prescribed manner, and if any objection thereto is made to the Minister before the expiration of six weeks from the publication thereof, the Minister shall not approve the order until he has caused a public local inquiry to be held into the matter.

PART I. —*cont.*

(2) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the local authority and the person entitled to the right in question, vest in the local authority, and any person who suffers loss by the vesting of any such right or property as aforesaid, shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10 Geo. 5. c. 57.

Provisions as to licensed premises purchased by local authority.

14. Where land purchased by a local authority under this Part of this Act comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect—

(i) the authority, before purchasing the premises, may undertake that in the event of the renewal of the licence being refused, they will pay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1910, such contribution as may be specified in the undertaking, and any sum payable by the authority in pursuance of such undertaking shall be treated as part of their expenses in purchasing the land;

10 Edw. 7 & 1 Geo. 5. c. 24.

(ii) if, after purchasing or contracting to purchase the premises, the authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority, and that authority, on being satisfied that the licence, if not surrendered, might properly have been dealt with as a redundant licence, shall contribute out of the compensation fund towards the compensation paid by the local authority in respect of the purchase of the premises a sum not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

Local authorities for the purposes of this Part of this Act.

15. In this Part of this Act the expression "local authority" means the council of a county borough or county district.

Application to London.

16.—(1) The provisions of this Part of this Act shall apply to the administrative County of London subject to the modifications contained in this section.

(2) Within the City of London the Common Council shall be the local authority for the purposes of this Part of this Act:

Provided that, in the case of an improvement area, byelaws for securing the stability of buildings, or the prevention of or safety from fire, shall be made and enforced by the London County Council.

(3) Subject to the provisions of the next succeeding subsection, the London County Council shall, outside the City of London be the authority to declare any area to be an improvement area, to determine what steps shall be taken for the improvement of that area, to purchase any land which they deem it expedient to acquire for opening out the area, to carry out such demolition of buildings and such street works on that land as they deem necessary, to make any byelaws with respect to the area, and to enforce such of those byelaws as are byelaws for securing the stability of buildings or the prevention of or safety from fire, but the council of the metropolitan borough in which the area is situate, on being informed by the county council as to the steps which the county council have determined to be necessary for the improvement of the area, shall, subject as aforesaid, take those steps and shall thereafter serve and enforce any necessary notices requiring the execution of works on dwelling-houses in the area or the demolition of dwelling-houses or the closing of parts of buildings therein, and observe and enforce compliance with any byelaws made by the county council with respect to the area, not being byelaws for securing the stability of buildings or the prevention of or safety from fire:

Provided that, if it is represented to the Minister by the county council that a borough council have made

Part I. —*cont.*

default in exercising or performing any powers or duties under this subsection, the Minister may by order transfer those powers and duties to the county council, and any expenses incurred by the county council in exercising or performing any powers or duties so transferred shall be a debt due from the borough council to the county council.

(4) Without prejudice to the powers of the London County Council under the last preceding subsection, the council of a metropolitan borough shall as regards any area within that borough which does not contain more than ten dwelling-houses be a local authority for the purposes of the provisions relating to improvement areas:

Provided that—

(i) where the borough council are about to take into consideration a proposal that any area shall be declared by them to be an improvement area, they shall give to the county council notice in writing of their intention and shall not declare that area to be an improvement area until two months have elapsed from the date of the service of that notice, or if before the expiration of that period the county council notify the borough council that they intend themselves to deal with that area either as a clearance area or as part of a clearance area or as part of an improvement area; and

(ii) the London County Council shall be the authority to make any byelaws with respect to the area and to enforce such of those byelaws as are byelaws for securing the stability of buildings or the prevention of or safety from fire, but the borough council shall observe and enforce compliance with any byelaws made by the county council with respect to the area, not being byelaws made for the purposes aforesaid.

(5) Subject as hereinafter provided, both the London County Council and the council of a metropolitan borough shall within that borough be local authorities

for the purposes of the provisions relating to clearance areas:

Part I. —*cont.*

Provided that—

(i) the county council shall not declare any area to be a clearance area unless that area contains more than ten dwelling-houses;

(ii) where the borough council are about to take into consideration a proposal that any area shall be declared by them to be a clearance area, they shall give to the county council notice in writing of their intention, and shall not declare that area to be a clearance area until two months have elapsed from the date of the service of that notice, or if before the expiration of that period the county council notify the borough council that they intend themselves to deal with that area either as a clearance area, or as part of a clearance area, or as part of an improvement area.

If in any such case as aforesaid the county council do not give to the borough council notice of their intention to deal with the area and the borough council proceed to declare the area to be a clearance area, the county council may, if they think fit, make a contribution towards any expenses incurred by the borough council in dealing with the area;

(iii) where an official representation relating to not more than ten dwelling-houses is made to the county council, the county council shall, unless they consider that the area should be dealt with by them as an improvement area or as part of a clearance area containing more than ten houses, forward the representation to the borough council concerned.

(6) The London County Council may, on any land purchased by them in connection with an improvement area or a clearance area, lay out and construct and sewer such new streets and such widenings and improvements of existing streets as they think fit, and all new streets and new parts of streets so constructed by them shall, when completed, become repairable by the council of the metropolitan borough.

Part I. —*cont.*

(7) Both the London County Council and the council of a metropolitan borough shall within that borough be local authorities for the purposes of section fifty-three of the principal Act.

(8) The London County Council and the Common Council of the City of London or the council of any metropolitan borough may at any time enter into an agreement with respect to any action to be taken under this Part of this Act, and with respect to the making of contributions by one of those councils towards the expenses incurred by the other of them in taking any such action.

(9) Notwithstanding anything contained in section eighty of the principal Act, as amended by any subsequent enactment, the London County Council shall, concurrently with the council of a metropolitan borough, be a local authority for the purpose of Part III of that Act so far as regards the provision within that borough of housing accommodation available for persons of the working classes displaced by any action taken by the County Council under this Act for dealing with clearance or improvement areas in that borough, or for the demolition of insanitary houses therein.

(10) It shall be the duty of the council of every metropolitan borough to furnish any information in their power which may reasonably be required by the London County Council for the purpose of enabling them to carry out their duties under this Part of this Act.

PART II.

PROVISIONS WITH RESPECT TO THE REPAIR OR DEMOLITION OF INSANITARY HOUSES.

Power of local authority to require repair of insanitary house.

17.—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes is in any respect unfit for human habitation, they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered so fit, serve upon such person as is hereinafter mentioned a notice requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the authority, those works will render the house fit for human habitation.

(2) A notice under this section shall be served upon the person who receives the rack rent of the house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack rent, and that person is in this Part of this Act referred to as the person having control of the house.

For the purposes of this subsection, the expression "rack rent" means a rent which is not less than two-thirds of the full net annual value of the house.

(3) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice on any other person having an interest in the house, whether as freeholder, mortgagee, lessee, or otherwise.

(4) In determining for the purposes of this Part of this Act whether a dwelling-house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the dwelling-house will have when the works are completed.

Enforcement of notice requiring execution of repairs.

18.—(1) If a notice under the last preceding section requiring the person having control of a dwelling-house to execute works is not complied with, then, after the expiration of the time specified in the notice or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.

(2) Where the local authority are about to enter upon a dwelling-house under the provisions of the last preceding subsection for the purpose of doing any work, they may give to the person having control of the house and, if they think fit, to any other person being an owner

Part II. —*cont.*

of the house, notice in writing of their intention so to do, and if at any time after the expiration of seven days from the service upon him of such notice and whilst any workman or contractor employed by the local authority is carrying out works in the house, any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be deemed to be obstructing the local authority in the execution of this Act and liable on summary conviction to a fine not exceeding twenty pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the said works in order to obviate danger to occupants of the house.

(3) Any expenses incurred by the local authority under this section, together with interest, at such rate as the Minister may with the approval of the Treasury from time to time by order fix, from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them, by action or summarily as a civil debt, from the person having control of the dwelling-house or, if he receives the rent of the house as agent or trustee for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person:

Provided that if the person having control of the dwelling-house proves that he—

(i) is receiving the rent merely as agent or trustee for some other person; and

(ii) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(4) In all summary proceedings by the local authority for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand or, if an appeal is made against that demand, from the date on which the demand becomes operative.

(5) The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest at such rate as the Minister may, with the approval of the Treasury, from time to time by order fix, from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered summarily as a civil debt from any owner or occupier of the dwelling-house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

(6) The amount of any expenses and interest thereon due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred, and the local authority shall for the purpose of enforcing that charge have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

15 & 16 Geo. 5. c. 20.

(7) No action taken under this, or the last preceding, section shall prejudice or affect any other powers of the local authority, or any remedy available to the tenant of a dwelling-house against his landlord, either at common law or otherwise.

Power of local authority to order demolition of insanitary house.

19.—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any dwelling-house which is occupied, or is of a type suitable for occupation, by persons of the working classes, is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them, and every person upon whom such a notice is served shall be entitled to be heard when the matter is so taken into consideration.

Part II. —*cont.*

(2) The authority may if, after consultation with any owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.

(3) If no such undertaking as is mentioned in the last preceding subsection is accepted by the authority, or if, in a case where they have accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the house is at any time used in contravention of the terms of the undertaking, the authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period or, if the house is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify, and shall serve the order upon every person upon whom they would be required by subsection (1) of this section to serve a notice issued by them under that subsection.

Power of local authority to deal with part of building.

20. A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is let for human habitation as a separate tenement, or in relation to any underground room which, by virtue of subsection (1) of section eighteen of the principal Act, is to be deemed to be unfit for human habitation, as they are empowered to take in relation to a dwelling-house subject, however, to this qualification that, in circumstances in which, in the case of a dwelling-house, they would have made a demolition order, they shall, in the case of a part of a building, which is let for human habitation as a separate tenement, make a closing order prohibiting the use of that part for human habitation and, in the case of any such underground room as aforesaid, make a closing order prohibiting the use of the room for purposes of a sleeping place; but the authority shall determine a closing order so made by them on being satisfied that the part of the building, or the room, to which it relates has been rendered fit for human habitation.

Procedure where demolition order or closing order made or undertaking given as to user of house.

21.—(1) When a demolition order under this Part of this Act has become operative, the owner or owners of the house to which it applies shall demolish that house within the time limited in that behalf by the order; and, if the house is not demolished within that time, the local authority shall enter and demolish the house and sell the materials thereof, and the provisions of subsection (4) of section two of this Act shall apply in relation to any expenses incurred by the authority under this subsection and to any surplus remaining in the hands of the authority as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a clearance order.

(2) Any person who, knowing that a closing order has become operative and applies to any premises, or that an undertaking has been given under this Part of this Act that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the terms of the order or undertaking, or permits them to be so used, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.

(3) Where an undertaking has been given under this Part of this Act that any premises shall not be used for human habitation, nothing in the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, or in any enactment amending those Acts, shall prevent any owner of those premises from obtaining possession thereof.

Appeals.

22.—(1) Any person aggrieved by—

(*a*) a notice under this Part of this Act requiring the execution of works;

(*b*) a demand for the recovery of expenses incurred by a local authority in executing works specified in any such notice;

(*c*) an order made by a local authority with respect to any such expenses;

Part II. —*cont.*

(*d*) a demolition order made under this Part of this Act;

(*e*) a closing order so made or a refusal to determine a closing order;

may, within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be, appeal to the county court within the jurisdiction of which the premises to which the notice, demand, or order relates are situate, and no proceedings shall be taken by the local authority to enforce any notice, demand or order against which an appeal is brought before the appeal has been finally determined:

Provided that—

(i) on an appeal under paragraph (*b*) or paragraph (*c*) of this subsection no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of the works; and

(ii) no appeal shall lie under paragraph (*d*) or paragraph (*e*) of this subsection at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

(2) An appeal to a county court under this section shall, notwithstanding anything in section nineteen of the Administration of Justice Act, 1925, be tried by the county court judge without a jury, and—

15 & 16 Geo. 5. c. 28.

(i) the judge may make such order either confirming or quashing or varying the notice, demand or order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the judge shall have the like effect as if it had been given to and accepted by the authority under this Part of this Act; and

(ii) where the judge allows an appeal against a notice requiring the execution of works to a dwelling-house, he shall, if requested by the authority so to do, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

(3) Rules with respect to the practice and procedure under this section shall be made by the authority having power to make rules of practice under the County Courts Acts, 1888 to 1924, and the rules shall make provision with respect to an inspection by the judge of the premises to which the appeal relates in any case in which he considers that such inspection is desirable.

(4) An appeal shall lie on any point of law from a decision of a county court judge under this section, in accordance with rules of the Supreme Court, to the Court of Appeal; but save as aforesaid, a decision of a county court judge under this section shall be final, and no appeal shall lie from any decision of the Court of Appeal under this section.

(5) Any notice, demand or order against which an appeal might be brought to a county court under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in subsection (1) of this section, and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by the county court judge, or the Court of Appeal, become operative as from the date of the final determination of the appeal.

For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision of the Court of Appeal is given, or in a case where no appeal is brought to the Court of Appeal, upon the expiration of the period within which such an appeal might have been brought.

Power of local authority to acquire and repair certain houses.

23.—(1) Where any person has appealed against a notice under this Part of this Act requiring the execution of works to a dwelling-house, and the judge or court in allowing the appeal has found that the

Part II. —*cont.*

house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or may be authorised to purchase it compulsorily in accordance with the provisions of this section, and, if they purchase the house compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.

(2) A local authority may for the purposes of this section be authorised to purchase a house by a compulsory purchase order made and submitted to the Minister within six months after the determination of the appeal and confirmed by him in accordance with the provisions of the Second Schedule to this Act; but if any person being an owner or mortgagee of the house undertakes to carry out to the satisfaction of the Minister and within such period as the Minister may fix, the works specified in the notice against which the appeal was brought, the Minister shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

(3) The compensation to be paid for any house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district and of any town planning scheme in operation in the area, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

Local authorities for the purposes of this Part of this Act.

24. For the purposes of this Part of this Act the local authority shall be—

(*a*) as respects the City of London, the Common Council;

(*b*) as respects any other part of the administrative County of London, the council of the metropolitan borough;

(*c*) elsewhere, the council of the county borough or county district.

PART III.

PROVISIONS WITH RESPECT TO THE PROVISION OF HOUSING ACCOMMODATION AND GOVERNMENT ASSISTANCE TOWARDS COST OF RE-HOUSING OPERATIONS.

Duty of local authorities to review housing conditions in their areas and to frame proposals.

25.—(1) It shall be the duty of every local authority to consider the housing conditions in their area and the needs of the area with respect to the provision of further housing accommodation for the working classes and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under section eight of the principal Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister proposals for the provision of new houses for the working classes, distinguishing those houses which the authority propose to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.

(2) In the year nineteen hundred and thirty and in each fifth succeeding year the council of every borough or other urban district which for the time being contains according to the latest published return of the Registrar General a population of more than twenty thousand shall furnish to the Minister, in addition to any proposals submitted by them under the last preceding subsection, a general statement of the measures which they propose to take during the five next succeeding years for dealing with housing conditions in their area and the provision of further housing accommodation.

(3) In this Part of this Act the expression "local authority" means the council of a county borough or county district.

(4) Section sixty of the principal Act (which relates to the duty of a local authority to prepare housing schemes) shall cease to have effect.

Government contributions to expenses of local authorities

26.—(1) The Minister shall, subject to the provisions of this Part of this Act and to such conditions as to records, certificates, audit or otherwise as, with the approval of the Treasury, he may determine, make or undertake to make contributions out of moneys provided

Part III. —*cont.* in providing accommodation available for displaced persons.

by Parliament towards any expenses incurred by a local authority in connection with any action taken by them under this Act for dealing with clearance or improvement areas, or for the demolition of insanitary houses, or for the closing of parts of buildings, and in connection with the provision and maintenance of the housing accommodation rendered necessary by any action so taken.

(2) A contribution under this section shall be payable annually for a period of forty years, and shall be the appropriate sum (as hereinafter defined) multiplied by the number of persons of the working classes whose displacement is shown to the satisfaction of the Minister to have been rendered necessary by such action of the local authority as is mentioned in the last preceding subsection :

Provided that the number of persons to be taken into account in calculating such contribution shall not exceed the number of persons of the working classes for whom suitable accommodation has, with the approval of the Minister, been rendered available by the authority in new houses in respect of which the authority have given such an undertaking as is hereafter in this section mentioned.

(3) For the purposes of the last preceding subsection the expression " appropriate sum " means—

(*a*) in the case of persons displaced from houses in an agricultural parish, the sum of two pounds ten shillings; and

(*b*) in the case of persons displaced from houses in other parishes, the sum of two pounds five shillings :

Provided that, if in any case the Minister certifies that it is necessary to provide on a site in a clearance area rehousing accommodation in buildings of more than three storeys, or to provide such accommodation on any other site which has been, or is to be, acquired or appropriated for the purpose with the consent of the Minister and of which the cost or, in the case of a site not purchased for the purpose, the value, as certified by the Minister, exceeds three thousand pounds per acre, the appropriate sum as respects persons for whom such accommodation is made available shall be three pounds ten shillings.

Part III. —*cont.*

For the purposes of the foregoing proviso a group of buildings erected with the approval of the Minister within the same curtilage shall be deemed to form one building, and a building or such a group of buildings as aforesaid, though not in all parts exceeding three storeys in height, shall be deemed to be a building of more than three storeys if the Minister is satisfied that the total accommodation provided therein could not have been provided on the same site in a building containing in all parts the same number of storeys unless that number exceeded three.

(4) Contributions under this section shall not be payable unless the local authority have undertaken that the special conditions mentioned in the next succeeding section will be complied with in relation to the houses provided by them, or if contributions are payable in respect of the houses either under the Housing, &c., Act, 1923, or under the Housing (Financial Provisions) Act, 1924.

13 & 14 Geo. 5. c. 24.
14 & 15 Geo. 5. c. 35.

(5) Subsection (3) of section one of the Housing, &c., Act, 1923 (which enables the Minister to make contributions towards the expenses incurred by a local authority in carrying out certain rehousing schemes), shall cease to have effect, but this repeal shall not affect any liability of the Minister to pay any contribution which he had undertaken before the commencement of this Act to make.

(6) Payments on account of contributions under this section shall be made at such times and in such manner as the Treasury may direct.

Special conditions.

27.—(1) Subject to the provisions of subsection (2) of this section, the special conditions for compliance with which a local authority are required by the last preceding section to give an undertaking are as follows:—

(*a*) that the houses shall be let for occupation to tenants who intend to reside therein;

(*b*) that it shall be a term of every such letting that the tenant shall not assign, sublet, or otherwise part with the possession of the house,

Part III. —*cont.*

or any part thereof, except with the consent in writing of the local authority or some person authorised by them in that behalf, and that such consent shall not be given unless it is shown to the satisfaction of the authority that no payment other than a rent which is in their opinion a reasonable rent has been or is to be received by the tenant in consideration of the assignment, subletting, or other transaction;

(*c*) that, whilst the authority may charge in respect of any house such rent as they may think fit, and may grant to the tenant of any house such rebates from rent, subject to such terms and conditions as they may think fit, the total amount of the rents payable in respect of the houses in any year, after deducting the amount of any such rebates as aforesaid, shall be an amount ascertained by deducting from the estimated average annual expenses towards which contributions are payable by the Minister under this Part of this Act, calculated by reference to a period of sixty years—

(i) the annual equivalent, calculated in the like manner, of the contributions payable by the Minister towards the expenses, and

(ii) the annual equivalent, calculated in the like manner, of a sum of three pounds fifteen shillings per house deemed to be provided annually for a period of forty years out of rates, or as respects any particular year such greater or less sum, to be deemed to be provided out of rates, as the local authority in the case of a greater sum may think necessary and as the Minister in the case of a less sum may on the application of the authority approve, due regard being had in either case to the rents which persons of the class for which the houses are provided can reasonably be expected to pay;

(*d*) that no fine, premium or other like sum shall be taken in addition to the rent;

(*e*) that a fair wages clause, which complies with the requirements of any resolution of the House of Commons for the time being in force with respect to contracts of Government departments, shall be inserted in all contracts for the construction of the houses.

(2) In the case of a new house intended for occupation as a lodging house, the special conditions for compliance with which the authority are required to give an undertaking shall be such as the Minister may in any particular case consider it necessary to impose.

(3) If at any time a local authority sell any house which under this Part of this Act is subject to special conditions or, save by such letting as is authorised by those conditions, otherwise dispose of any such house, any contribution which would otherwise have been payable by the Minister by reason of the provision of that house shall cease to be payable; and if at any time it is shown to the satisfaction of the Minister that any of the special conditions to which a house is subject under this Part of this Act has not been complied with, any contribution payable by reason of the provision of that house may be discontinued, or the amount thereof may be reduced, and the duration thereof may be curtailed, according as the Minister thinks proper.

Periodical revision of scale of contributions for purposes of subsequent re-housing schemes.

28.—(1) In the year nineteen hundred and thirty-three, after the first day of October in that year, and in each third succeeding year, after the first day of October in that year, the Minister shall take into consideration the expenses which are likely to be incurred in the period of three years from such first day of October in connection with operations in respect of which contributions would be payable by him under this Part of this Act, due regard being had to the expenses actually incurred during the period of three years ending on that day for a like purpose, and after consultation with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable, may, if he thinks it expedient so to do, make an order altering the amount of the contributions payable, or the period for which such contributions are to be payable, so far as regards persons in respect of whose displacement accommodation in new houses has not been rendered available before a date specified in the order, but so, nevertheless, that the amounts and period fixed by the

PART III. —*cont.*

order shall be such as may be approved by the Treasury, and shall not exceed the respective amounts, or the period, fixed by this Part of this Act, unless Parliament otherwise determines.

An order under this section may make such consequential alterations of the sum and period mentioned in condition (*c*) of the special conditions set out in this Part of this Act and of the sum and period mentioned in subsection (2) of the next succeeding section as appear to be necessary for the purpose of adjusting them to any alteration made by the order in the amount or duration of the contributions.

(2) Before any order is made by the Minister under this section, a draft of the proposed order shall be laid before the Commons House of Parliament and the order shall not be made until a resolution is passed by that House approving of the draft.

Power of local authority to make arrangements for provision of houses by public utility societies, &c.

29.—(1) Subject to the provisions of this section, a local authority and any such society, body of trustees or company as is mentioned in subsection (2) of section three of the Housing, &c., Act, 1923, may, with the approval of the Minister, enter into arrangements under which the society, trustees or company will, in consideration of an annual grant to be made to them by the authority, provide new houses available for the accommodation of persons of the working classes displaced by any action taken by the authority under this Act for dealing with clearance or improvement areas, or for the demolition of insanitary houses, or for the closing of parts of buildings.

(2) The society, trustees, or company shall undertake, as a necessary term of any such arrangement as aforesaid, that the special conditions set out in this Part of this Act shall be complied with in relation to the houses to be provided by them, subject as regards the rents to be charged to this modification, that the total amount of the rents to be charged by the society, trustees or company in respect of the houses shall not exceed such total amount as might have been charged by the authority by way of rents, if the houses had been provided by them with the approval of the Minister under this Part of this Act, and if the sum which, for the purpose of

calculating that total amount, is to be deemed to be provided annually for a period of forty years out of rates had been a sum of three pounds, fifteen shillings, per house.

Part III. —*cont.*

(3) If the annual grant which an authority have agreed to make under any such arrangement as aforesaid is equivalent to, or exceeds, the annual contribution which would have been payable by the Minister under this Part of this Act if the houses had been provided by the authority, the Minister shall make or undertake to make to the authority the like contributions, in the like manner and subject to the like conditions, as he would have made if the houses had been so provided.

Adjustment of rents.

30.—(1) If it appears to a local authority, who have under this Part of this Act provided in new houses accommodation available for displaced persons, that it is desirable to render alternative accommodation available for some of those persons in other houses belonging to the authority which, by reason of their situation or for other reasons, are better suited to the requirements of the displaced persons, but that the rents charged by the authority in respect of those other houses (hereafter in this section referred to as " the alternative houses ") are higher than the rents which would, but for the provisions of this section, be charged by them in respect of equivalent accommodation in the new houses, the authority may represent the facts to the Minister, and thereupon the Minister, if satisfied that the representation is well founded, may authorise the authority to charge in respect of the alternative houses such rents as they would, but for the provisions of this section, have charged in respect of equivalent accommodation in the new houses.

(2) The following provisions shall have effect where the rents of any alternative houses are reduced in pursuance of this section, that is to say:—

(*a*) For the purposes of the financial provisions of any enactment applicable in the case of the alternative houses, the authority shall be deemed to be charging in respect of those houses the rents which but for the provisions of this section they would have charged in respect of them;

Part III. —*cont.*

(*b*) For the purposes of condition (*c*) of the special conditions set out in this Part of this Act, the estimated average annual expenses to be taken into account in fixing the rents of the new houses concerned shall be deemed to be increased by an amount equal to the difference between the rents charged by the authority in respect of the alternative houses and the rents which, but for the provisions of this section, they would have charged in respect of them; and

(*c*) The authority shall comply with such directions as may be given by the Minister with respect to the making of adjustments in the accounts of their housing undertakings.

Application to London.

31.—(1) The provisions of this Part of this Act shall apply to the administrative county of London subject to the modifications contained in this section.

(2) As regards the City of London, the Common Council shall be the local authority.

(3) As regards the rest of the administrative county of London—

(*a*) the London County Council shall carry out such reviews of housing conditions, and submit to the Minister such proposals for the provision of new houses, and such quinquennial statements of measures proposed to be taken, as are required by this Part of this Act, but before preparing any such proposals or statement the County Council shall consult with the councils of the several metropolitan boroughs and shall include in any such statement particulars of any new houses which those councils propose to provide during the quinquennial period and the council of every metropolitan borough shall furnish such information as may reasonably be required by the London County Council for the purpose of preparing any such proposals or statement; and

(*b*) subject as aforesaid, both the London County Council and the council of a metropolitan borough shall be local authorities for the purposes of this Part of this Act, and contributions thereunder shall be payable to that one of those authorities by which re-housing accommodation in new houses available for displaced persons is provided, notwithstanding that the operations in consequence of which those persons were displaced were initiated or carried out by the other of them.

PART IV.

PROVISION OF HOUSES IN RURAL DISTRICTS.

Duty of county council in respect of housing conditions in rural districts.

32.—(1) It shall be the duty of the council of every county, as respects each rural district within the county, to have constant regard to the housing conditions of persons of the working classes, the extent to which overcrowding or other unsatisfactory housing conditions exist and the sufficiency of the steps which the council of the district have taken, or are proposing to take, to remedy those conditions and to provide further housing accommodation.

(2) The council of every rural district shall in the year nineteen hundred and thirty, and thereafter at such intervals, not being in any case less than one year, as the county council may direct, furnish to that council such information with regard to the matters mentioned in subsection (1) of this section as the county council may reasonably require for the purpose of enabling them to carry out their duties under this section.

Agreements by county council for assisting rural district councils.

33.—(1) The council of any county may, for the purpose of assisting the council of any rural district within the county in the performance of their duties under Part III of the principal Act, agree with the district council for the exercise by the county council of all or any of the powers of the district council under that Part.

(2) An agreement made under this section may contain such provisions with regard to the expenses to be incurred by the county council, including the raising of loans to meet those expenses, and with regard to the vesting in the district council of any houses built by the county council under the agreement and such

Part IV. —*cont.*

other incidental or consequential provisions as the councils think proper; and, for the purposes of any such agreement and so far as it extends, the county council shall be deemed to be a local authority for the purposes of Part III of the principal Act and Part III of this Act.

(3) Subject to the provisions of any such agreement as aforesaid, Government contributions shall be payable under Part III of this Act to that one of the councils by which re-housing accommodation available for displaced persons is provided, notwithstanding that the operations in consequence of which those persons were displaced were initiated or carried out by the other council.

Supplementary contributions by county council towards housing expenses in rural districts.

34.—(1) When the council of a rural district have adopted proposals for the provision of houses which, if those proposals are approved by the Minister, will be subject to special conditions under either the Housing (Financial Provisions) Act, 1924, or Part III of this Act, that council may transmit to the county council a statement of their proposals and, where such a statement is so transmitted, the following provisions of this section shall have effect with respect to the making of contributions by the county council to the council of the rural district.

(2) If the council of the rural district claim that any of the houses which they propose to provide are required for the accommodation of the agricultural population of the district, the county council, or, in the event of any dispute between the county council and the district council, the Minister shall determine for the purposes of this subsection how many of the houses are so required, and thereupon the county council shall undertake to make to the district council in respect of each of the forty years next following the completion of the houses a contribution at the rate of one pound per house payable, subject as hereinafter provided, in respect of so many of the houses provided with the approval of the Minister as are in that year occupied for a period or periods exceeding nine months by members of the agricultural population:

Provided that no such contribution shall be payable in respect of a number of houses greater than the number of houses so determined as aforesaid to be required for the accommodation of the agricultural population of the district.

For the purposes of this subsection, the expression "agricultural population" means persons whose employment or latest employment is or was employment in agriculture or in an industry mainly dependent upon agriculture, and includes also the dependants of such persons as aforesaid; the expression "agriculture" includes dairy-farming and poultry-farming and the use of land as grazing, meadow, or pasture land, or orchard or osier land, or woodland, or for market gardens or nursery grounds; the expression "year" means a period of twelve months commencing on the first day of April; and, in the event of any dispute, such date as the Minister may determine shall be taken to be the date of the completion of the houses.

(3) Without prejudice to the provisions of the last preceding subsection, the county council may, in the case of any house provided with the approval of the Minister, undertake to make to the district council an annual contribution of such amount and payable during such period as may be specified in the undertaking.

(4) If the special conditions applicable to any house provided by the district council are not complied with, no account shall be taken of that house for the purpose of calculating the amount of any future contribution under subsection (2) of this section, and any contribution which the county council have undertaken under subsection (3) of this section to make in respect of that house shall cease to be payable.

(5) The expenses of a county council under this section shall be defrayed by them as expenses for general county purposes.

Powers of county council and Minister in the event of default of rural district council.

35.—(1) In any case where—

(i) complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any justice of the peace acting for, or by any four or more local government electors of, any such district, that the council of that district have failed to exercise their powers under this or the principal

Part IV. —*cont.*

Act in any case where those powers ought to have been exercised; or

(ii) the council of a county is of opinion that an investigation should be made as to whether the council of any rural district in the county have failed as aforesaid,

the council of the county may cause a public local inquiry to be held, and if, after the inquiry has been held they are satisfied that there has been such a failure on the part of the district council, they may make an order declaring the district council to be in default and transferring to themselves all or any of the powers of the district council under this or the principal Act with respect to the whole or any part of the district.

56 & 57 Vict. c. 73.

(2) An order made under the preceding subsection may provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers transferred by the order as it applies in relation to powers transferred under that Act.

(3) Where an order made under subsection (1) of this section transfers to a county council any of the powers of a district council under Part III of the principal Act, the provisions relating to Government contributions contained in section two of the Housing (Financial Provisions) Act, 1924, and Part III of this Act, shall, with the necessary modifications and subject as hereinafter provided, apply in relation to that county council as they apply in relation to a local authority, and the Minister shall make or undertake to make, contributions accordingly:

Provided that, notwithstanding anything in any Act, or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

(4) If upon representations made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that the council of a county have failed or refused to make an order under subsection (1) of this section in any case where they should have made such an order, or that any such order made by a county council is defective in that it fails to

transfer powers which should have been transferred, or in that it does not apply to any part of the district to which it should have applied, the Minister may, if the county council have not made any order, himself make any order which the county council might have made, and if an order made by the county council is a defective order, himself make a supplementary order enlarging the scope of the county council's order in such manner as he thinks fit.

Powers of Minister in the event of default by county council in the exercise of transferred powers.

36. If upon representations made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that a county council to whom powers have been transferred under the last preceding section have failed to exercise those powers in any case where those powers ought to have been exercised, he may cause a public local inquiry to be held and if, after the inquiry has been held, he is satisfied that the county council have failed as aforesaid, he may either—

(i) make an order directing the county council to exercise such of the said powers in such manner and within such time as may be specified in his order, or

(ii) make an order rendering any of the said powers exerciseable by himself.

PART V.

GENERAL AND MISCELLANEOUS.

Standard of re-housing accommodation.

37. For the purposes of the provisions of this Act which relate to the obligations of a local authority with respect to re-housing, or which relate to Government contributions to the expenses of local authorities in providing accommodation available for displaced persons, the Minister, unless he is satisfied that owing to special circumstances some other standard of size or accommodation should be adopted—

(i) shall not approve the provision of any house which is not such a house as is specified in paragraph (*a*) or paragraph (*b*) of subsection (2) of section one of the Housing, &c., Act, 1923, and

Part V. —*cont.*

(ii) shall treat a house containing two bedrooms as providing accommodation for four persons, a house containing three bedrooms as providing accommodation for five persons, and a house containing four bedrooms as providing accommodation for seven persons.

Duty of local authority to have regard to amenities of locality, &c.

38. A local authority in preparing any proposals for the provision of houses or in taking any action under this or the principal Act shall have regard to the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Minister.

Recovery of possession of buildings subject to a clearance or demolition order.

39.—(1) Where a clearance order or a demolition order has become operative, the local authority shall serve on the occupier of any building or any part of any building to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the authority or any owner of the building may make complaint to a court of summary jurisdiction and thereupon the court shall by their warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building or of the part thereof to be given to the complainant within such period not being less than two weeks nor more than four weeks as they may determine.

1 & 2 Vict. c. 74.

(2) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt.

(3) Any person who, knowing that a clearance order or a demolition order has become operative and applies to any building, enters into occupation

of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day, or part of a day, on which the occupation continues after conviction.

Power of county court to determine lease where premises demolished.

40.—(1) Where any premises in respect of which a clearance order or a demolition order made under this Act has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the county court within the jurisdiction of which the premises are situate for an order determining the lease.

(2) Upon any such application as aforesaid the county court judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, order that the lease shall be determined, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation or damages or otherwise) as he may think it just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) Rules with respect to the practice and procedure under this section shall be made by the authority having power to make rules of practice under the County Courts Acts, 1888 to 1924.

(4) In this section the expression "lease" includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions "lessor," "lessee," and "sub-lessee" shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Power of local authority to make allowances to certain persons displaced.

41. A local authority may pay to any person displaced from any dwelling-house or other building to which a clearance order, a demolition order, or a closing order applies, or which has been purchased by them under Part I of this Act as being comprised in a clearance area, or under Part II of this Act, as being incapable of being rendered fit for human habitation, such reasonable

PART V. —*cont.*

allowance as they think fit towards his expenses in removing; and to any person carrying on any trade or business in any such dwelling-house or other building, they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Power of local authority to require information as to ownership of premises.

42. A local authority may, for the purpose of enabling them to serve any notice (including any copy of any notice) which they are by this or the principal Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Amendment of s. 5 of the Housing (Financial Provisions) Act, 1924.

43. Section five of the Housing (Financial Provisions) Act, 1924, which requires that the Minister and the Department of Health for Scotland shall, at intervals of two years, review and, if they deem it expedient, revise the amount of the contributions payable by them in respect of the provision of houses, or the period for which such contributions are to be payable, shall be amended so as to require that no further review shall be made until the year nineteen hundred and thirty-three, but that reviews and, if deemed expedient, revisions shall be made in that year and thereafter at intervals of three years and, accordingly, the said section shall have effect as if for the words " and in each second succeeding year" there were substituted the words " in the year nineteen " hundred and twenty-eight, after the first day of October

" in that year, in the year nineteen hundred and thirty-" three, after the first day of October in that year, and " thereafter in each third succeeding year," and as if for the first reference to a "period of two years" there were substituted a reference to a "period of three years," and for the second reference to a "period of two years" there were substituted a reference, in the case of the first review after the commencement of this Act, to "a period of five years" and, in the case of any subsequent review, to a "period of three years."

Temporary modification of s. 3 of the Housing (Financial Provisions) Act, 1924.

44.—(1) Paragraph (*c*) of subsection (1) and paragraph (*c*) of subsection (2) of section three of the Housing (Financial Provisions) Act, 1924, which provide that in connection with the sale of any house which is subject to special conditions under that Act, the Minister or, as the case may be, the Department of Health for Scotland may stipulate for a reduction of the amount, or the curtailment of the duration, of any contribution payable by the Minister or by the Department in respect of the house, but that the contribution in respect of any house sold before the expiration of a period of twenty years from the date when that contribution first became payable shall not be reduced by more than three pounds, or in the case of a house in an agricultural parish in England, or in a rural area in Scotland, by more than six pounds ten shillings and that the duration thereof shall not be curtailed by more than twenty years, shall in its application to houses not completed before the first day of October, nineteen hundred and twenty-nine, have effect as if it provided that the contribution in respect of any house sold before the expiration of the said period of twenty years shall not be reduced—

(*a*) as regards England, by more than seven pounds ten shillings or, in the case of a house in an agricultural parish, by more than eleven pounds; and

(*b*) as regards Scotland, by more than five pounds or, in the case of a house in a rural area, by more than eight pounds ten shillings;

and that the duration of the contribution shall not be curtailed by more than twenty years.

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20 Geo. 5. c. 6.

(2) The provisions of paragraph (*c*) of Article 5 of the Housing Acts (Revision of Contributions) Order, 1928, as amended by the Housing (Revision of Contributions) Act, 1929, shall cease to have effect, but any order made by the Minister and the Department of Health for Scotland after the commencement of this Act under section five of the Housing (Financial Provisions) Act, 1924 (which relates to the revision of contributions), may make such consequential alterations in any sum or period mentioned in this section as may appear to the Minister and the Department to be necessary for the purpose of adapting the same to any alteration made by the order in the amount or duration of contributions.

Amendment of provisions as to the calculation of contributions payable to local authorities in respect of certain schemes.

45.—(1) The provisions of this section shall, as from the first day of April, nineteen hundred and thirty, have effect with respect to the determination of the amount of any annual payment to be made—

9 & 10 Geo. 5. c. 35.

(*a*) by the Minister to a local authority under section seven of the Housing, Town Planning, &c., Act, 1919, and section six of the Housing, &c., Act, 1923, by way of contribution towards losses incurred by the authority in carrying out any such scheme as is mentioned in the said section seven; or

11 & 12 Geo. 5. c. 19.

(*b*) by the London County Council to the council of a metropolitan borough under section eight of the Housing Act, 1921, and section six of the Housing, &c., Act, 1923, in repayment of losses incurred by the council of the borough in carrying out any such scheme as aforesaid.

(2) Notwithstanding anything contained in the said enactments or in the regulations made thereunder, it shall not be necessary that the amount of any annual payment to which this section relates shall be determined on the basis of the estimated annual loss resulting from the carrying out of the scheme in respect of which the payment is to be made and, accordingly, amending regulations made under the said enactments by the Minister, with the consent of the Treasury, may provide that, for the purposes of the financial year commencing on the said first day of April and of every subsequent

financial year, the amount of any such annual payment may be determined either—

(*a*) on the basis of the actual loss resulting during the year from the carrying out of the scheme; or

(*b*) if it is so agreed between the Minister and the local authority, or, as the case may be, if, with the approval of the Minister, it is so agreed between the London County Council and the council of the metropolitan borough, on the basis of the estimated annual loss resulting from the carrying out of the scheme; or

(*c*) if it is so agreed as aforesaid, on the basis of actual income or expenditure as respects some items required to be brought into account, and on the basis of estimated income or expenditure as respects other such items.

Modification of Housing, &c., Act, 1923, s. 1 (2) as regards houses for aged persons.

46. If a local authority satisfy the Minister that, having regard to the demand for housing accommodation on the part of aged persons, whether married or single, there is a need in their area for houses of smaller dimensions than those specified in subsection (2) of section one of the Housing, &c., Act, 1923, as the minimum dimensions of a house in respect of which a contribution may be made under that section, the Minister may for the purposes of the said section reduce the minimum measurements therein specified to such extent, and as respects such limited number of houses for that area and subject to such conditions, as he may determine:

Provided that—

(*a*) if any condition imposed by the Minister under this section is not complied with, the same consequences shall ensue as if that condition had been a special condition mentioned in subsection (1) of section three of the Housing (Financial Provisions) Act, 1924, and the local authority had undertaken that it should be complied with; and

(*b*) in calculating any Government contributions payable either under the Housing, &c., Act, 1923, or under the Housing (Financial Provisions) Act, 1924, and for the purposes of the other financial provisions of those Acts,

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a house of such reduced dimensions shall be reckoned as being equivalent only to two-thirds of a house.

Power of local authorities to make advances in respect of repairs to houses.

47. Subsection (1) of section ninety-two of the principal Act, which empowers a local authority or county council to advance money to persons or bodies of persons constructing or altering, or undertaking to construct or alter, houses, shall extend to empower a local authority or county council to advance money, subject to the provisions of the said section, to persons or bodies of persons carrying out, or undertaking to carry out, repairs to any house in any case where the authority or council consider that having regard to the cost of those repairs, or to the financial position of the applicant, it is reasonable to give to him such assistance; and, as regards any house in respect of which an advance is so made, any reference in subsections (2) and (3) of the said section to the alteration of a house shall be construed as including a reference also to the repair of a house.

Agreements between London County Council and neighbouring authorities.

48.—(1) The London County Council and any other council, being the local authority of an area adjacent to or in the vicinity of the county of London, may enter into agreements for the provision by the London County Council of houses outside the county of London to meet the special needs of that other council, or for the provision by that other council of houses within their area to meet the needs of the London County Council, and for the payment, in either case, of such contributions as may be agreed by the council needing the houses to the council providing them.

(2) In calculating the rents which, under any enactment or order applicable to the case, may be charged in respect of houses by the council providing them, account shall be taken of any contribution payable under this section to that council as if that contribution fell to be raised out of the rates of that council's area as part of the expenses incurred by them in providing the houses.

Expenses of London County Council.

49. Any expenses incurred by the London County Council in connection with any action taken by them under this Act for dealing with clearance or improvement areas, or in connection with the provision and maintenance of the housing accommodation rendered necessary by any action so taken by them, or in making contributions towards any expenses incurred by the Common Council of the City of London, or the council of a metropolitan borough in dealing with a clearance area or improvement area, shall be defrayed as expenses for general county purposes.

Amendment of s. 64 of principal Act.

50.—(1) Section sixty-four of the principal Act which provides that a local authority may be authorised to purchase land compulsorily for the purposes of Part III of that Act by means of an order submitted to the Minister and confirmed by him in accordance with the Third Schedule to that Act shall have effect as if for the reference therein to the Third Schedule to the principal Act there were substituted a reference to the Second Schedule to this Act.

(2) The provisions of this Act with respect to the validity and date of operation of compulsory purchase orders made under this Act shall apply in relation to compulsory purchase orders made under section sixty-four of the principal Act as amended by this section.

Provisions with respect to official representations.

51.—(1) For the purposes of this or the principal Act the expression " official representation " means, in the case of any local authority, a representation made to that authority by the medical officer thereof, and includes also, in the case of the council of a county district, not being an urban district which is a borough or contains according to the latest published return of the Registrar General a population of more than ten thousand, a representation made by the medical officer of health of the county to the county council and forwarded by them to the council of the county district and, in the case of the council of a metropolitan borough, a representation made by the medical officer of health of the county of London to the London County Council and forwarded by them to the borough council.

(2) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of opinion that any dwelling-house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with either as a clearance area or as an improvement area; and if any justice of the peace acting for the district,

Part V. —*cont.*

or any four or more local government electors of the district or, in the case of a rural district, the parish council of any parish within the district, complain to the medical officer of health in writing that any dwelling-house is unfit for human habitation, or that any area should be dealt with either as a clearance area or as an improvement area, it shall be his duty forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation, or whether, in his opinion, the area should be dealt with either as a clearance area or as an improvement area; but the absence of any such complaint shall not excuse him from inspecting any dwelling-house or area and making a representation thereon to the local authority.

(3) A local authority shall so soon as may be take into consideration any official representation which has been made to them.

Power of Minister to enforce exercise of powers by local authorities other than rural district councils.

52.—(1) In any case where—

(i) a complaint has been made to the Minister—

(*a*) as respects the council of any urban district, by the council of the county in which the district is situate, or by any justice of the peace acting for, or by any four or more local government electors of, the district; or

(*b*) as respects any local authority, not being the council of an urban or rural district, by any justice of the peace acting for, or by any four or more local government electors of, the area of the authority;

that the local authority have failed to exercise their powers under this or the principal Act in any case where these powers ought to have been exercised; or

(ii) the Minister is of opinion that an investigation should be made as to whether any local authority (not being the council of a rural district) have failed as aforesaid;

the Minister may cause a public local inquiry to be held and, if after the inquiry has been held he is satisfied that there has been such a failure on the part of the local authority, he may make an order declaring the authority to be in default and directing the authority to exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.

(2) If a local authority with respect to whom an order has been made under the preceding subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order, may, if he thinks fit, adopt one of the following courses:—

(i) if the local authority concerned is the council of an urban district, he may make an order directing the council of the county within which that district is situate, to perform such of the obligations of the district council under the original order within such times as may be specified in his order addressed to the county council; or

(ii) in any case, he may make an order rendering exercisable by himself such of the powers of the local authority under this or the principal Act as may be specified in his order.

Provisions as to orders directing county council to perform obligations of urban district councils.

53.—(1) An order under the last preceding section directing a county council to perform any obligations of an urban district council may—

(i) for the purpose of enabling the county council to comply with the order, transfer to the county council any of the powers conferred by this or the principal Act on local authorities;

(ii) provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers so transferred as it applies in relation to powers transferred under that Act.

(2) Where such an order transfers to a county council any of the powers of a local authority under Part III of the principal Act, the provisions relating to Government contributions contained in section two of the Housing (Financial Provisions) Act, 1924, and

Part III of this Act shall, with the necessary modifications and subject as hereinafter provided, apply in relation to that county council as they apply in relation to a local authority, and the Minister may make or undertake to make contributions accordingly:

Provided that, notwithstanding anything in any Act or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

Provisions as to exercise by Minister of powers of a local authority.

54.—(1) The following provisions of this section shall have effect in any case where, either under this, or under the last preceding, Part of this Act, the Minister has by order rendered exercisable by himself any powers of a local authority.

(2) Any expenses incurred by the Minister in exercising the said powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid by the local authority to the Minister and shall be recoverable as a debt due to the Crown.

(3) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which a local authority may borrow money in accordance with the provisions of the principal Act relating to borrowing by local authorities.

(4) The Minister may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.

(5) Where any action taken by the Minister has resulted in the provision of houses which, if that action had been taken by the local authority, might have been made subject to special conditions under the Housing (Financial Provisions) Act, 1924, or under Part III of this Act, and an order is made by the Minister vesting those houses in the local authority, those houses shall, if the order so directs, be subject to the special conditions specified in the Act under which they were provided, and the Minister may, subject as hereinafter provided, make or undertake to make contributions accordingly:

Provided that, notwithstanding anything in any Act or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

(6) In this section the expression "local authority," in relation to any powers which, upon the default of a local authority, have been transferred to a county council, means the local authority in whom those powers were originally vested.

Power of Minister to withhold contributions in event of default.

55. If at any time it is shown to the satisfaction of the Minister that a local authority have failed to perform any of their duties under this or the principal Act, then, without prejudice to any other power conferred upon him by this Act, he may withhold the whole or any part of any contribution which he has under this Act undertaken to make to that authority.

Power to vary and revoke certain orders.

56. In any case where under this Act an order has been made by a county council transferring to that council any powers or duties of a local authority, or an order has been made by the Minister transferring to a county council, or directing a county council to exercise, any powers or duties of a local authority, or rendering any powers or duties of a local authority exercisable by the Minister, the county council, or, in the case of an order made by the Minister, the Minister, may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and, when any order is so revoked, the county council or, as the case may be, the Minister, may either by the revoking order, or by a supplemental order, make such provision as appears to be desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the county council, or by the Minister, in exercising the powers or duties to which the order so revoked related.

Power to prescribe forms, &c.

57. The Minister may by regulations prescribe anything which by this or the principal Act is to be prescribed and the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this or the principal Act.

Part V. —*cont.*

Regulations to be laid before Parliament.

58. All regulations made by the Minister under this Part of this Act shall, so soon as may be after they are made, be laid before each House of Parliament, and, if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulation has been laid before it, resolves that the regulation shall be annulled, the regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

Recovery of possession of houses and buildings for purposes of Housing Acts.

59.—(1) Section one hundred and twenty-eight of the principal Act (which excludes in certain cases the application of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920) is hereby repealed and in substitution therefor the following provisions of this subsection shall have effect, that is to say:—

> Nothing in the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, shall be deemed to affect the provisions of this Act relating to the obtaining possession of a house with respect to which a clearance order or demolition order has been made, or to prevent possession being obtained of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under any enactment relating to the housing of the working classes, or for the purpose of securing compliance with any byelaws made for the prevention of overcrowding.

(2) Where a local authority, for the purpose of exercising their powers under any enactment relating to the housing of the working classes, require possession of any building or any part of a building of which they are the owners, then, whatever may be the value or rent of the building or part of a building, they may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired or has been determined.

Definition of "agricultural parish" for purposes of housing subsidies.

60.—(1) For the purposes of the Housing (Financial Provisions) Act, 1924, so far as regards any house for the provision of which a proposal is approved by the Minister after the first day of April, nineteen hundred and thirty, and for the purposes of Part III of this Act, a house shall be deemed to be situated in an agricultural parish if—

(*a*) the net annual value of the agricultural land in the parish in which the house is situated as appearing in the valuation list in force on the first day of April, nineteen hundred and twenty-nine, exceeded twenty-five per cent. of the total net annual value of that parish as appearing in the said list; and

(*b*) the population of the parish, according to the latest census return of the Registrar-General published before the beginning of the financial year in which the proposal for the provision of the house is approved by the Minister or, as the case may be, in which persons are displaced from the house, is less than fifty persons per hundred acres.

(2) For the purposes of this section, the expression "agricultural land" has the same meaning as in the Rating and Valuation Acts, 1925 to 1929, and, in the case of any hereditament occupied by or on behalf of the Crown for public purposes, the value directed by subsection (3) of section sixty-four of the Rating and Valuation Act, 1925, to be entered in the valuation list as representing the rateable value of that hereditament shall be taken as being in the case of agricultural land fifty per cent. of the net annual value of the hereditament and in any other case the net annual value thereof.

15 & 16 Geo. 5. c. 90.

(3) Any question whether a parish is or is not an agricultural parish within the meaning of this section shall be determined by the Minister, whose decision shall be final.

Temporary provisions.

61. The temporary rules set out in the Fourth Schedule to this Act shall, until superseded by rules made by the appropriate rule-making authority, have effect for the purposes of any proceedings under this Act which fall to be regulated by rules of court.

Interpretation.

62.—(1) For the purposes of this or the principal Act, unless the context otherwise requires—

The expression "owner," in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being

Part V. —*cont.*

entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement the unexpired term whereof exceeds three years; and

The expression "sanitary defects" includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences and inadequate paving or drainage of courts, yards or passages.

(2) For the purposes of any provisions of this Act relating to the provision of housing accommodation, the expressions "house" or "dwelling-house" include, unless the context otherwise requires, any part of a building which is occupied, or intended to be occupied, as a separate dwelling.

(3) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any byelaws in operation in the district, or of the general standard of housing accommodation for the working classes in the district.

Amendments of principal Act.

63.—(1) The principal Act shall have effect as if the provisions of this Act with respect to the repair or demolition of insanitary houses and the provisions thereof with respect to the clearance or improvement of unhealthy areas were inserted in Parts I and II respectively of the principal Act in substitution for the provisions therein contained with respect to the power of a local authority to repair houses, to make closing and demolition orders, and to remove obstructive buildings, and for the provisions therein contained with respect to the making, confirmation and execution of improvement schemes and reconstruction schemes.

(2) The amendments specified in the second column of the Fifth Schedule to this Act (which relate to minor or consequential details) shall be made in the sections of the principal Act specified in the first column of that Schedule.

PART V. *—cont.*

Repeals.

64.—(1) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, where before the commencement of this Act any notice requiring the execution of works has been served, or any demand for, or order relating to, the expenses of executing works, or any closing order or demolition order has been made, or any scheme or order has been confirmed or approved by the Minister or any order has been submitted to him for confirmation or approval, the like proceedings (including proceedings for the modification of a confirmed scheme, and, in the case of London, proceedings for the acquisition of additional land under section fifty-five of the principal Act) may be taken thereon and the like consequences shall ensue as might have been taken or would have ensued if this Act had not been passed.

(2) The mention of particular matters in the proviso to the preceding subsection shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Short title, construction and extent.

65.—(1) This Act may be cited as the Housing Act, 1930, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Housing Acts, 1925 and 1930.

(2) Unless anything in the context otherwise requires, any reference in this Act, or in any Act passed before this Act, to the principal Act shall be construed as a reference to the principal Act as amended by this Act; and any reference in this Act, or in any Act (including the principal Act) passed before this Act, to any Part of the principal Act, or to any enactment therein contained, shall be construed as a reference to that Part or that enactment as amended by this Act.

(3) Sections forty-three and forty-four of this Act which respectively amend section five of the Housing (Financial Provisions) Act, 1924, and modify temporarily section three of that Act shall extend to Scotland, but save as aforesaid, this Act shall not extend to Scotland, and it shall not extend to Northern Ireland.

(4) This Act shall come into operation at the expiration of fourteen days from the date of its passing.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Clearance Orders.

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. Before submitting the order to the Minister the local authority shall—

(*a*) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

3. So soon as may be after the required notices have been given, the local authority shall submit the order to the Minister for confirmation.

4. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification; but in any other case he shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification:

Provided that the order as confirmed by the Minister shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

1st Sch. —*cont.*

5. The Minister may confirm an order notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

SECOND SCHEDULE.

Sections 10, 23, 50.

Compulsory Purchase Orders.

Part I.

Provisions applicable in the case of Compulsory Purchase Orders made for the purposes of this Act and, subject to the modifications contained in Part II of this Schedule, in the case of such Orders made for the purposes of Part III of the principal Act.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

2. The modifications, subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—

(i) The compensation shall be assessed in accordance with such of the provisions of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case;

2nd Sch. *—cont.*

(ii) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation;

(iii) Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building or manufactory as is proposed to be taken by the local authority can be taken without material damage to the house, building or manufactory, and, if he so determines, may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority that part of the house, building or manufactory; and

(iv) Where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

3. If the order is made in connection with a clearance area it shall show in the prescribed manner—

(*a*) what parts, if any, of the land to be purchased compulsorily are outside the clearance area; and

(*b*) what parts, if any, of the land to be purchased compulsorily within the clearance area are to be appropriated for the rehousing of persons of the working classes.

4. Before submitting the order to the Minister the local authority shall—

(*a*) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

2nd Sch. *—cont.*

(*b*) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that—

(i) the Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed;

(ii) the order as confirmed by the Minister shall not—

(*a*) authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification;

(*b*) authorise the authority to purchase as being land comprised in a clearance area any land shown in the original order as being outside that area; or

(*c*) require the authority to appropriate for the rehousing of persons of the working classes, any land which the order would not have required them so to appropriate if it had been confirmed without modification;

(iii) if the Minister is of opinion that any land included by the local authority in a clearance area ought not

2nd Sch. —*cont.*

to have been so included, he shall in confirming the order so modify it as to exclude that land for all purposes from the clearance area; but if in any such case he is of opinion that the land may properly be purchased by the authority under section three of this Act, he shall further modify the order so as to authorise the local authority to purchase that land under the said section three and not as being land comprised in the clearance area.

6. The Minister may confirm an order made in connection with a clearance area notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

7. In construing for the purpose of this schedule or any order made thereunder any enactment incorporated in the order this Act, together with the order, shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking.

PART II.

MODIFICATIONS APPLICABLE IN THE CASE OF COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF PART III OF THE PRINCIPAL ACT.

1. The provisions in Part I of this Schedule shall apply to the making, submission and confirmation of compulsory purchase orders made for the purposes of Part III of the principal Act subject to the following modifications, that is to say—subparagraphs (i) and (iii) of paragraph 2, paragraph 3, so much of paragraph 4 as requires the service of notices upon mortgagees and provisos (ii) (*b*), (ii) (*c*), and (iii) to paragraph 5 shall not apply.

THIRD SCHEDULE.

Section 12.

Part I.

Modifications to be made in subsection (1) of section forty-six of the principal Act for the purposes of its application to the assessment of compensation under this Act in the case of lands comprised in a clearance area.

Subsection (1) of section forty-six of the principal Act shall be modified in the following manner:—

For the words from the beginning of the subsection to " dangerous or prejudicial to health," there shall be substituted the words " Where land comprised in a clearance area."

In the proviso, for the words from " if in the opinion of the " Minister " to " laid out as an open space " there shall be substituted the words " if under the provisions of the compulsory " purchase order as confirmed by the Minister any land comprised in the clearance area is to be appropriated for the " rehousing of persons of the working classes."

For the words " any land included in the scheme (other " than as aforesaid)," there shall be substituted the words " such of the land purchased compulsorily as is comprised in " the clearance area."

In sub-paragraph (*a*) for the words " included in the " scheme," there shall be substituted the words " comprised in " the clearance area."

In sub-paragraph (*b*) for the words " the requirements of " the scheme " there shall be substituted the words " the " requirements of the compulsory purchase order " and the words " or the laying out of open spaces " shall be omitted.

Part II.

Rules as to Assessment of Compensation applicable in the case of Land purchased under Part I of this Act, not being land comprised in a Clearance Area.

1. If the arbitrator is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were

3rd Sch. —*cont.* occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding.

2. If the arbitrator is satisfied that any premises are in a state of defective sanitation, or are not in reasonably good repair, the compensation shall be the estimated value of the premises if put into a sanitary condition, or reasonably good repair, less the estimated expense of putting them into such condition or repair.

3. The local authority may tender evidence as to the matters aforesaid, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

4. The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the demolition by the local authority of any buildings.

5. Subject to the foregoing provisions, the compensation shall be assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

Section 61.

FOURTH SCHEDULE.

Temporary Rules of Procedure.

Part I.

Applications to the High Court.

1. An application under section eleven of this Act shall be made by an originating notice of motion to a judge of the High Court selected for the purpose by the Lord Chancellor.

2. The evidence upon the hearing of the application shall be by affidavit except in so far as the Court at the hearing may direct oral evidence to be given.

3. The notice of motion shall state the grounds for the application, and the date mentioned in the notice for the hearing of the application shall be not less than fourteen days after the service of the notice.

4. The notice of motion shall be served before the expiration of six weeks after the publication of the notice of confirmation of the order to which the application relates on the local

authority by whom the order was made and on the Minister, and shall be entered at the Crown Office within the same period.

4th Sch. —*cont.*

5. The ordinary practice and rules of the King's Bench Division shall apply so far as they are applicable, and are not inconsistent with the provisions of this Act or of these temporary rules.

Part II.

Appeals to a County Court.

1.—(1) An appeal to a county court under section twenty-two of this Act shall be commenced by the entry of a plaint and shall be called an action.

(2) The appellant shall be the plaintiff and the local authority shall be the defendant.

2.—(1) The judge may inspect the premises to which the action relates in any case in which he thinks that such inspection is desirable.

(2) The expenses of the inspection shall be paid in the first instance by the party on whose application it is made, or if inspection is made without an application, by the plaintiff.

(3) The court shall have power to direct by whom the expenses shall be ultimately borne and in default of any such direction they shall be costs in the action.

3. In default of any particular direction, the costs of the action shall be taxed upon the scale prescribed for claims between £20 and £50.

4. The County Court Rules for the time being in force shall apply so far as they are applicable and are not inconsistent with the provisions of this Act or of these temporary rules.

Part III.

Applications to a County Court for Determination of a Lease.

1.—(1) An application to a county court for the determination of a lease under section forty of this Act shall be commenced by the entry of a plaint and shall be called an action.

(2) The applicant shall be the plaintiff and the other party to the lease shall be the defendant.

2. Where the applicant is the lessee of any premises he shall join as plaintiff any person to whom he sublets, or has mortgaged, the premises and who consents in writing to be so joined, and as defendant any person to whom he sublets, or has mortgaged, the premises and who does not so consent.

4TH SCH. —*cont.*

3. It shall be the duty of the judge to be satisfied that all persons interested whose presence is necessary to enable him effectually and completely to adjudicate upon and settle all the questions involved in the action are before the court, and if necessary to adjourn the hearing to enable any such persons who are not already parties to the action to be joined as defendants.

4. In default of any particular direction the costs of the action shall be taxed upon the scale prescribed for claims between £20 and £50.

5. The County Court Rules for the time being in force shall apply so far as they are applicable and are not inconsistent with the provisions of this Act or of these temporary rules.

Section 63.

FIFTH SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL ACT.

The Housing Act, 1925.	
Section 7 -	In subsection (3) for the words "the provisions of section three of this Act with "respect to the execution of works" there shall be substituted the words "the provisions of this Part of this Act with "respect to the enforcement of notices "requiring the execution of works."
Section 8 -	The words "in a state so dangerous or injurious to health as to be" shall be omitted.
Section 16 -	In subsection (1) for the words "by an order," there shall be substituted the words "by a "notice."
Section 17 -	In subsection (1) the words "in a state so "dangerous or injurious to health as to be" shall be omitted.
Section 18 -	In subsection (1) the words "a house so "dangerous or injurious to health as to "be" shall be omitted.
Section 29 -	In subsection (2) for the words "a closing "order has been made or of an obstructive "building" there shall be substituted the words "a notice requiring the execution of "works has been served or a clearance "order or demolition order has been made"; and the words "or building," wherever those

The Housing Act, 1925.	
Section 29—*cont.* -	words occur, the words "or in claiming to "retain the site of the building in pursuance "of this Part of this Act" and the words "or to claim to retain the site" shall be omitted.
Section 31 -	After the words "an order is made" there shall be inserted the words "or a notice "requiring the execution of works is "served" and after the words "any such "order" there shall be inserted the words "or notice."
Section 41 -	In subsection (1) for the words "any person "whose lands were proposed by the scheme "to be taken compulsorily," there shall be substituted the words "any owner of any "lands included in a clearance order or "compulsory purchase order made under "this Part of this Act," and for the words "such scheme" there shall be substituted the words "such order." In subsection (2) for the words "any order "under the last preceding section," there shall be substituted the words "any such "order as aforesaid."
Section 62 -	For the words "Where any such scheme is "being carried into effect" there shall be substituted the words "Where any housing "operations under this Part of this Act are "being carried out"; for the words "of "the scheme" there shall be substituted the words "of the operations," and for the words "the scheme is" there shall be substituted the words "the operations are."
Section 80 -	In proviso (ii) to paragraph (*b*) of subsection (2) the words "and such approval shall have the "like effect as if it had been given under "section sixty of this Act" shall be omitted. In subsection (3) for the words "scheme for "the purpose of" there shall be substituted the words "housing operations under," and for the words "such scheme" there shall be substituted the words "such operations."

5th Sch. —*cont.*

The Housing Act, 1925.	
Section 86 -	In subsection (1) for the words "Where a "housing scheme approved under Part III "of this Act is being carried into effect" there shall be substituted the words "Where "housing operations under Part III of this "Act are being carried out," and for the words "the scheme," wherever those words occur, there shall be substituted the words "the operations." In subsection (2) for the words "a scheme is "being carried out" there shall be substituted the words "operations are being "carried out."
Section 93 -	For the words "Where a housing scheme approved under Part III of this Act is being "carried into effect" there shall be substituted the words "Where housing operations under Part III of this Act are "being carried out"; for the words "the "scheme is being carried out" there shall be substituted the words "the operations are "being carried out," and for the words "the "carrying out of the scheme" there shall be substituted the words "the carrying out of "the operations."
Section 98 -	After the words "an Act" there shall be inserted the words "not being an order made "under this Act."
Section 99 -	In subsection (1) for the words "a housing "scheme" there shall be substituted the words "housing operations"; for the words "in pursuance of the scheme" there shall be substituted the words "in connection with "the operations"; and for the words "housing schemes" there shall be substituted the words "housing operations." In subsection (2) for the words "a housing "scheme" there shall be substituted the words "housing operations." For subsection (3) the following subsection shall be substituted—"The housing operations to which this section applies are

5th Sch.—*cont.*

The Housing Act, 1925.	
Section 99—*cont.*	“housing operations carried out under this Act by a local authority or county council or by a public utility society or housing trust.”
Section 103 -	The words “scheme or,” wherever those words occur, shall be omitted.
Section 104 -	In subsection (1) for the words “any land proposed to be included in any scheme or order to be made under this Act or any land proposed to be acquired under this Act,” there shall be substituted the words “‘any land proposed to be acquired or appropriated under this Act’”; the words “before preparing the scheme or order or acquiring the land,” and the words “‘confirming the scheme or order or’” shall be omitted, and after the word “acquisition” the words “or appropriation” shall be inserted.
Section 106 -	In subsection (1) for the words “confirming a scheme” there shall be substituted the words “made and confirmed”, and for the words “of the scheme” there shall be substituted the words “of Part II.” In subsection (2) and in paragraph (*a*) of subsection (3) the words “a scheme under” shall be omitted.
Section 107 -	In subsection (1) the words “or under any scheme made in pursuance of this Act” shall be omitted.
Section 108 -	In subsection (1) the words “a scheme made under” shall be omitted, and for the words “the purposes of the scheme” there shall be substituted the words “the purposes of Part III of this Act.” In subsection (2) the words “under a scheme” shall be omitted, and for the words “carrying out that scheme” there shall be substituted the words “providing those houses.”
Section 109 -	In subsection (1) for the words “Where a housing scheme to which this section applies has been carried into effect” there

5th Sch. —*cont.*

The Housing Act, 1925.	
Section 109—*cont.*	shall be substituted the words "Where "housing operations to which this section "applies have been carried out"; for the words "of the scheme," there shall be substituted the words "of the operations," and for the words "the scheme was" there shall be substituted the words "the opera-"tions were." In subsection (2) for the words "Where such "a scheme has been carried out" there shall be substituted the words "Where such "operations have been carried out," and for the words "any houses provided under "the scheme" there shall be substituted the words "any of the houses." In subsection (3) for the words "Where a "scheme to which this section applies has "been carried out," there shall be substituted the words "Where housing opera-"tions to which this section applies have "been carried out." For subsection (4), the following subsection shall be substituted :—"The housing opera-"tions to which this section applies are "housing operations carried out or to be "carried out under this Act or under any "enactment repealed by this Act."
Section 124 -	In paragraph (*c*) of subsection (1) the words "Part I of" shall be omitted.
Section 127 -	In paragraph (*b*) for the words "in respect of "which a closing order or an order for "demolition has been made," there shall be substituted the words "in respect of which a "notice requiring the execution of works "has been served or a clearance order, "demolition order or closing order has been "made."

SIXTH SCHEDULE.

Section 64.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c., Act, 1923.	Subsection (3) of section one.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Subsection (2) of section two.
15 Geo. 5. c. 14	The Housing Act, 1925.	Sections three, four, and nine to fifteen; subsections (2) and (3) of section eighteen; sections nineteen to twenty-six and twenty-eight; subsection (3) of section twenty-nine; sections thirty-three to forty and forty-two to forty-five; subsection (3) of section forty-six; sections forty-seven to fifty-two, fifty-four to fifty-six, sixty, sixty-one, seventy-three to seventy-seven, eighty-two and one hundred and fifteen; subsection (1) of section one hundred and twenty-two; section one hundred and twenty-eight, and in section one hundred and thirty-five the definition of "owner"; Schedules I., II. and III.
20 Geo. 5. c. 6	The Housing (Revision of Contributions) Act, 1929.	Paragraph (c) of Article 5 of Part I. of the Schedule.

CHAPTER 40.

An Act to make further and better provision with respect to the clearance or improvement of unhealthy areas, the repair, demolition or closing of insanitary houses and the housing of persons of the working classes in Scotland; to amend the Housing (Scotland) Act, 1925, the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and other enactments relating to housing subsidies; and for purposes connected with the matters aforesaid. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Provisions with respect to the Clearance or Improvement of Unhealthy Areas.

Clearance Areas.

Local authority may declare unhealthy area to be clearance area.

1.—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district that—

(i) the dwelling-houses in that area or the greater part of those dwelling-houses are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, injurious or dangerous to the health of the inhabitants of the area; and

(ii) that the most satisfactory method of dealing with the foresaid conditions is the demolition of all the buildings in the area;

the authority shall cause that area to be defined on a map and shall pass a resolution (in this Act referred to as a "clearance resolution") declaring the area so defined to be a clearance area, that is to say, an area all the buildings in which are to be demolished in accordance with the provisions hereinafter contained:

Provided that—

(*a*) a clearance area shall not include the site of a building unless at least part of the building consists of dwelling houses which are unfit for human habitation or injurious or dangerous to health or of other premises which are injurious or dangerous to health; and

(*b*) before passing a clearance resolution, the authority shall satisfy themselves that accommodation available for the persons of the working classes who will be displaced by the demolition of buildings in the area exists, or can be provided by the authority in advance of the displacements which will from time to time become necessary as the demolition proceeds, and that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.

(2) A local authority shall forthwith transmit to the Department a copy of any resolution passed by them under this section, together with a statement of the number of persons of the working classes who, on a day specified in the statement, being a day within two months immediately preceding the date of the resolution, were ordinarily occupying the buildings comprised in the clearance area.

(3) So soon as may be after a local authority have passed a clearance resolution, but subject always to the provisions of section nine of this Act, they shall proceed to secure the demolition of the buildings in the clearance area in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

(i) by ordering the demolition of buildings in the area; or

Part I. —*cont.*

(ii) by purchasing land (including the buildings thereon) within the area and themselves undertaking, or otherwise securing, the demolition of the buildings.

Clearance orders.

2.—(1) Where as respects any area declared by them to be a clearance area a local authority determine to order any buildings within the area to be demolished, they shall make and submit to the Department, for confirmation by them, an order (in this Act referred to as a "clearance order") ordering the demolition of each of those buildings.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the making, submission and confirmation of clearance orders.

(3) In the case of any building included in a clearance order consisting wholly of dwelling-houses or other premises which are specified in the order as injurious or dangerous to health by reason only of the bad arrangement of the streets, the local authority shall, if required by the owner of the building at any time within three months after the date of the order becoming operative, purchase the building and any land attached thereto, the price payable by the local authority being a sum equal to the compensation which would have been paid by the authority had the said building and land been compulsorily purchased by the authority under a compulsory purchase order under this Part of this Act and had the said building been specified in the order as injurious or dangerous to health.

(4) When a clearance order has become operative, the owner of any building to which the order applies, shall demolish that building before the expiration of three months from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of three months from the date on which it is vacated; and, if the building is not demolished before the expiration of that period, the local authority may enter and demolish the building and sell the materials thereof, and any expenses reasonably and necessarily incurred by the authority under this subsection, after giving credit for

any amount realised by the sale of materials, may be recovered by them from the owner of the building in a summary manner, and any surplus in the hands of the authority shall be paid by them to the owner of the building:

Provided that, where the building belongs to more than one owner any sum recoverable or payable by the authority under this subsection shall be recoverable from or payable to the several owners in such proportions as the owners may agree or, failing agreement, as shall be determined by an arbiter nominated by the owners or, failing such nomination, nominated on the application of the authority or any of the owners by the sheriff.

Purchase by local authority of land surrounded by or adjoining clearance area.

3. Where as respects any area declared by them to be a clearance area a local authority determine to purchase any land (including the buildings thereon) comprised in the clearance area, they may purchase also any land (including the buildings thereon) which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions, and any adjoining land (including the buildings thereon) the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area.

Treatment of clearance area.

4.—(1) A local authority who have under this Part of this Act purchased any land comprised in, or surrounded by or adjoining, a clearance area shall, as soon as may be, cause every building thereon to be vacated and subject to compliance with any provision contained in a compulsory purchase order with respect to the carrying out of re-housing operations, shall deal with the land in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

(*a*) they shall, so soon as may be, demolish the buildings thereon and thereafter may sell, feu, or let the land subject to such restrictions and conditions, if any, as they think fit, or may, in accordance with the provisions of section forty of the Local Government (Scotland) Act, 1929, appropriate the land for any purpose for which they are authorised to acquire land; or,

19 & 20 Geo. 5. c. 25.

Part I. —*cont.*

(*b*) they shall, so soon as may be, sell, feu, or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they think fit.

(2) Land sold, feued, or leased under this section shall be sold, feued, or leased at the best price or for the best feuduty or rent that can reasonably be obtained having regard to any restriction or condition imposed, and any capital money received in respect of any transaction under this section shall be applied, either in the repayment of debt or for any other purpose for which capital money may be properly applied:

Provided that nothing in this subsection shall preclude a local authority letting any dwelling-houses erected on the land at such rent as they consider reasonable having regard to the class of persons for whom the houses are provided by the authority.

(3) For the purposes of this section, "sale" includes sale in consideration of a ground annual or other similar periodical payment and "sell" has a corresponding meaning.

Power to local authority to purchase cleared land which owners have failed to redevelop.

5.—(1) Where land has been cleared of buildings in accordance with a clearance order made under this Part of this Act the local authority may, at any time after the expiration of eighteen months from the date on which the clearance order became operative, determine to purchase any part of that land which, at the date of the passing of their resolution, has not been or is not in process of being used for building purposes or otherwise developed by the owner thereof.

(2) A local authority shall deal with any land purchased by them under this section by sale, feu, letting, or appropriation, in accordance with the provisions of section four of this Act.

Improvement Areas.

Local authority may declare unhealthy area to be improvement area.

6.—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district that the housing conditions in that area are injurious or dangerous to the health of the inhabitants by reason of the disrepair or sanitary defects of

Part I. —*cont.*

dwelling-houses therein and also by reason either of overcrowding in the area or of the bad arrangement of the houses or of the narrowness or bad arrangement of the streets, and that those conditions can be effectively remedied, without the demolition of all the buildings in the area, by taking two or more of the following steps, that is to say—

(i) the execution of works on, or the demolition or closing of, those dwelling-houses which are unfit for human habitation;

(ii) the demolition by the authority after purchase of a building consisting partly of dwelling-houses which are unfit for human habitation and cannot at a reasonable expense be rendered so fit;

(iii) the purchase by the authority of any land which it is expedient for them to acquire for opening out the area and if any buildings on that land have not previously been demolished, the demolition of those buildings so far as it is necessary to demolish them for that purpose; and

(iv) the abatement of overcrowding in the area;

the authority may cause that area to be defined on a map, and may pass a resolution (in this Act referred to as an "improvement resolution") declaring the area so defined to be an improvement area:

Provided that, before passing an improvement resolution, the authority shall satisfy the Department that the size of the area is such that the housing conditions therein can be remedied effectively within a reasonable period and that accommodation available for the persons of the working classes who will be displaced by the steps which the authority propose to take for the improvement of the area exists, or can be provided by the authority in advance of the displacements which will from time to time become necessary as those steps are taken.

(2) An authority who have passed an improvement resolution shall forthwith—

(*a*) publish in one or more newspapers circulating within their district, a notice stating the terms of the resolution and the date on which it was passed, and naming a place at which a copy of the resolution and of the map referred to therein may be seen at all reasonable hours; and

(*b*) transmit a copy of the resolution to the Department, together with an estimate of the number of persons of the working classes whose displacement will be rendered necessary by the steps the authority propose to take for the improvement of the area.

Treatment of improvement area.

7.—(1) A local authority who have passed an improvement resolution shall so soon as may be—

(i) in the case of dwelling-houses which are unfit for human habitation, serve notices under Part II of this Act requiring the execution of all necessary works thereon, or the demolition or closing thereof, and enforce compliance with those notices;

(ii) in so far as the improvement of the area involves the demolition of buildings consisting partly of dwelling-houses which are unfit for human habitation and cannot at a reasonable expense be rendered so fit, proceed to purchase the land including the said buildings thereon and deal with the same in like manner as if such land had been purchased by the authority for the purposes of a clearance area;

(iii) in so far as the improvement of the area involves the purchase of land for opening out the area, proceed to purchase that land; and

(iv) in any case, take all necessary steps to secure the abatement of overcrowding in the area and for that purpose and without prejudice to any other statutory provisions in that behalf make and enforce byelaws satisfactory to the Department for preventing and abating overcrowding in the area and generally for securing the improvement of housing conditions and the subsequent maintenance of a proper standard of housing conditions therein.

(2) An authority who have purchased any land under this section shall deal with that land in accordance with the provisions of section four of this Act, subject,

however, to the modification that so far as any land has been acquired for the purpose of opening out the area they shall carry out or secure the carrying out of such demolitions as may be necessary for that purpose.

(3) The byelaws to be made by an authority in pursuance of this section may include, amongst other provisions, provisions for all or any of the purposes for which any local authority may make byelaws in the case of houses used or intended to be used for occupation by the working classes, or of houses let in lodgings or occupied by members of more than one family, and may be made applicable to any house, whether let in lodgings or occupied by members of more than one family or by one family only, and section twenty-four of the Housing (Scotland) Act, 1925 (in this Act referred to as "the principal Act"), which relates to the execution of works by or at the expense of the owner or other person, shall apply thereto.

15 Geo. 5. c. 15.

(4) The declaration of any area to be an improvement area shall not preclude the local authority from exercising any powers which in the absence of such a declaration would have been exercisable by them within that area.

Application in improvement area of Rent and Mortgage Interest (Restrictions) Acts.

8. Where any action taken by a local authority under section seven of this Act with respect to a dwelling-house in an improvement area results in the tenant of that house or of any part thereof removing therefrom, then, notwithstanding anything in section two of the Rent and Mortgage Interest (Restrictions) Act, 1923, the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, if applicable to that house or part, shall not cease to apply thereto by reason only of the fact that upon such removal the landlord comes into possession of the house or part of the house.

13 & 14 Geo. 5. c. 32.

General.

Obligations of local authority with respect to rehousing.

9. A local authority who have passed a clearance resolution or an improvement resolution shall, before taking any action under that resolution which will necessitate the displacement of any persons of the working classes, undertake to carry out such rehousing operations, if any, within such period as the Department may consider to be reasonably necessary.

Part I. —*cont.*

Provisions as to purchase of land.

10.—(1) Where a local authority have determined to purchase land under this Part of this Act, they may purchase the land by agreement or they may be authorised to purchase the land compulsorily by means of an order (in this Act referred to as "a compulsory purchase order") made and submitted to the Department and confirmed by them in accordance with the provisions of the Second Schedule to this Act.

(2) An order authorising the compulsory purchase of land comprised in a clearance area, or land comprised in an improvement area (other than land required for opening out the area) shall be submitted to the Department within six months, and an order authorising the compulsory purchase of land surrounded by or adjoining a clearance area or of land required for opening out an improvement area shall be submitted to the Department within twelve months, after the date of the clearance resolution or, as the case may be, the improvement resolution, or within such longer period as the Department may, in the circumstances of the particular case, allow.

(3) Notwithstanding that a building is included in a compulsory purchase order, the local authority may, with consent of the Department, agree with the owner of the building that, instead of their purchasing the building, the owner shall demolish the building and use the land for a purpose approved by the authority, but no such agreement shall be entered into unless the authority and the Department are satisfied that the use to which the land will be put will not prejudice the housing conditions in the clearance or improvement area.

Validity and date of operation of clearance orders and compulsory purchase orders.

11.—(1) The provisions of this section shall have effect with respect to the validity of clearance orders and compulsory purchase orders made under this Part of this Act and the date on which such an order is to come into operation.

(2) So soon as may be after an order has been confirmed by the Department, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person

who, having given notice to the Department of his objection to the order, appeared at the public local inquiry in support of his objection.

Part I. —*cont.*

(3) If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act, or any requirement of this Act has not been complied with, he may, within thirty days after the publication of the notice of confirmation, make an application for the purpose to the Court of Session, in the form and under the procedure provided by Act of Sederunt, so, however, that the application shall be dealt with in a summary manner, and where such application is duly made the court—

- (i) may by interim order suspend the operation of the order either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and
- (ii) if satisfied, upon the hearing of the application, that the order is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may set aside the order either generally, or in so far as it affects any property of the applicant, or do otherwise as shall appear to the court to be just.

(4) Subject to the provisions of the immediately preceding subsection an order shall not, either before or after its confirmation, be questioned by reduction or interdict or in any legal proceedings whatsoever, and shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with subsection (2) of this section.

(5) Except by leave of the Court of Session, no appeal shall lie to the House of Lords from a decision of the Court of Session in proceedings under this section.

(6) So soon as may be after an order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Department for confirmation.

Part I. —*cont.*

Assessment of compensation in respect of land purchased compulsorily and of sanitary premises required to be demolished.

12.—(1) Where land or buildings are purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions of subsections (2) and (3) of this section.

(2) The compensation to be paid for land, including dwelling-houses or other premises thereon which are specified in a compulsory purchase order as unfit for human habitation or injurious or dangerous to health shall be assessed in accordance with the provisions of subsections (1) and (2) of section thirty-seven of the principal Act subject, as regards the first mentioned of those subsections, to the modifications contained in Part I of the Third Schedule to this Act:

Provided that this subsection shall not apply in the case of dwelling-houses or other premises erected after the passing of this Act which are specified in a compulsory purchase order as injurious or dangerous to health by reason only of the narrowness or bad arrangement of the streets.

(3) In the case of any other land included in a compulsory purchase order, the compensation shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to this Act.

(4) Where any dwelling-house or other premises (not being a dwelling-house or premises specified in a clearance order as unfit for human habitation or injurious or dangerous to health) are required by a local authority to be demolished by the owner in accordance with a clearance order under this Part of this Act, the local authority shall pay to the owner in respect of the demolition by way of compensation a sum representing the difference between—

(i) the sum which would have been payable as compensation under subsection (3) of this section had the said dwelling-house or other premises been acquired by the authority under a compulsory purchase order; and

(ii) the sum which would have been payable as compensation under subsection (2) of this section if the said dwelling-house or premises had been injurious or dangerous to health and had been acquired by the authority under a compulsory purchase order.

Part I. —*cont.*

Subject to the provisions of this subsection the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply, with the necessary modifications, as if the compensation payable under this subsection were compensation in respect of land compulsorily acquired by the local authority.

9 & 10 Geo. 5. c. 57.

Extinction of rights of ways and servitudes.

13.—(1) A local authority may, with the approval of the Department, by order extinguish any public right of way over any land purchased by them under this Part of this Act or provide for the closing or diversion of any street in connection with the development of a clearance or improvement area, but an order made by an authority under this subsection shall be published in the prescribed manner, and if any objection thereto is made to the Department before the expiration of two months from the publication thereof, the Department shall not approve the order until they have caused a public local inquiry to be held into the matter.

(2) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing or maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or servitudes in or relating to that land shall, except so far as may be otherwise agreed by the local authority and the person entitled to the right or property in question, vest in the local authority, and any person who suffers loss by the vesting of any such right or property as aforesaid, shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10 Geo. 5. c. 57.

Part II.

Provisions with respect to the Execution of Works on or the Demolition or Closing of Insanitary Houses.

Power of local authority to order execution of works on insanitary house.

14.—(1) Where a local authority, upon consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any dwelling-house occupied by persons of the working classes is in any respect

Part II. —*cont.*

unfit for human habitation, but is capable at a reasonable expense of being rendered fit for human habitation, they shall serve upon such person as is hereinafter mentioned a notice requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the authority, those works will render the house fit for human habitation.

(2) A notice under this section shall be served upon the person who for the time being is entitled to receive, or would, if the same were let, be entitled to receive, the rent of the house, including a trustee, tutor, curator, factor or agent, and that person is in this Part of this Act referred to as the person having control of the house.

(3) In determining for the purposes of this Part of this Act whether a dwelling-house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the dwelling-house will have when the works are completed.

Enforcement of notice requiring execution of works.

15.—(1) If a notice under the last preceding section requiring the person having control of a dwelling-house to execute works is not complied with, then after the expiration of the time specified in the notice or, if an appeal has been made against the notice and the sheriff upon that appeal has confirmed the notice with or without variation, after the expiration of twenty-one days from the determination of the appeal, or of such longer period as the sheriff in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the sheriff, as the case may be, and in addition the authority may execute any further works which are found to be necessary for the purpose of rendering the house fit for human habitation, but which could not reasonably have been ascertained to be required at the examination prior to the service of the foresaid notice. Any question as to whether further works are necessary or could not have been reasonably ascertained as aforesaid shall be determined by the sheriff whose decision shall be final.

Part II. —*cont.*

(2) Any expenses incurred by the local authority under this section, together with interest, at such rate as the Department may with the approval of the Treasury from time to time by order fix, from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them in a summary manner or otherwise from the person having control of the dwelling-house or if he receives the rent of the house as trustee, tutor, curator, factor or agent for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person:

Provided that if the person having control of the dwelling-house proves that he—

(i) is receiving the rent merely as trustee, tutor, curator, factor or agent for some other person; and

(ii) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(3) The local authority may by order declare any such expenses to be payable by weekly, monthly, half yearly or annual instalments within a period not exceeding thirty years with interest at such rate as the Department may, with the approval of the Treasury, from time to time by order fix, from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered in a summary manner from any owner or occupier of the dwelling-house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

(4) No action taken under this, or the last preceding, section shall prejudice or affect any other powers of the local authority or any remedy available to the tenant of a dwelling-house against his landlord, either at common law or otherwise.

Part II. —*cont.*

Power of local authority to order demolition or closing of insanitary house.

16.—(1) Where a local authority, upon consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any dwelling-house occupied by persons of the working classes is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having the control of the house and also, upon any other person who is an owner thereof notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future use of the house, which he may wish to submit will be considered by them, and every person upon whom such a notice is served and any other person who is the holder of a heritable security over the house shall be entitled to be heard when the matter is so taken into consideration.

(2) The authority may if, after consultation with any owner or holder of a heritable security, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.

(3) If no such undertaking as is mentioned in the last preceding subsection is accepted by the authority or if any such undertaking accepted by them is broken, the authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within three months after the expiration of that period or, if the house is not vacated before the expiration of that period, within three months after the date on which it is vacated and shall serve the order upon every person upon whom they would be required by subsection (1) of this section to serve a notice issued by them under that subsection:

Provided that, where the dwelling-house forms only part of a building, then, if the building does not belong wholly to the same owner and does not consist wholly of dwelling-houses which are unfit for human habitation and are not capable at a reasonable expense of being rendered so fit, the authority, instead of making and serving a demolition order, shall make and serve a closing order prohibiting the use of the house for human habitation as from such date as may be specified in the order not being less than twenty-eight days from the date on which the order becomes operative, so, however, that the authority shall at any time, on the application of the owner of the house, determine a closing order so made by them if they are satisfied that the house has been rendered fit for human habitation.

(4) The foregoing provisions of this section with respect to the making of a closing order shall, subject to the necessary modifications, apply in the case of an underground room habitually used as a sleeping place which, by virtue of subsection (1) of section twelve of the principal Act, is to be deemed to be unfit for human habitation.

Substitution of order under s. 16 (3) for notice under s. 14 (1) in certain cases.

17. Where a local authority have served a notice under subsection (1) of section fourteen of this Act requiring the execution of works for the purpose of rendering a dwelling-house fit for human habitation, any person on whom such a notice was served or any other person who is an owner of the house may apply in writing to the local authority to substitute for the notice so served an order under subsection (3) of section sixteen of this Act, and where the local authority are satisfied that it is reasonable to do so, having regard to the estimated cost of the foresaid works, the financial circumstances of the person at whose expense the works would have been carried out and the other circumstances of the case, including the need for housing accommodation in the area, the authority shall serve an order under subsection (3) of the said section sixteen, and such order shall have effect notwithstanding that a notice has not been served with respect to the house under subsection (1) of the said section sixteen:

Provided that a local authority shall not unreasonably refuse to substitute such an order as aforesaid for the notice so served, and if any question arises as to whether any such refusal has been unreasonable the question shall be determined by the sheriff.

Part II. —*cont.*

Power of local authority to acquire building consisting wholly of closed houses.

18.—(1) Where a building consists wholly of dwelling-houses with respect to which closing orders have been made under this Part of this Act or under any enactment repealed by this Act and such orders have not been determined, the Department may, on the application of the local authority, make an order authorising the local authority to acquire the land, including the building thereon, and thereupon, subject to the provisions of this section, this Act shall apply as if the said houses were land authorised to be acquired compulsorily by a compulsory purchase order under Part I of this Act.

(2) The compensation to be paid for houses purchased compulsorily under this section shall be the value at the time when the valuation is made of the site as a cleared site available for development in accordance with the building regulations for the time being in force in the district and of any town planning scheme in operation in the area, and subject as aforesaid shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Where a local authority acquire land by virtue of this section, the provisions of section four of this Act shall apply as if the land had been acquired in connection with a clearance area.

Procedure where demolition order or closing order made or undertaking given as to use of house.

19.—(1) When a demolition order under this Part of this Act has become operative, the owner of the house to which it applies shall demolish that house within the time limited in that behalf by the order; and, if the house is not demolished within that time, the local authority may enter and demolish the house and sell the materials thereof, and any expenses incurred by them under this subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them from the owner of the house in a summary manner, and any surplus in the hands of the authority shall be paid by them to the owner of the house.

(2) If—

(*a*) any person, knowing that a closing order has become operative and applies to any premises, uses those premises or permits those premises to be used for any purpose unless he shall previously have obtained the consent of the local authority to the purpose for which the premises are proposed to be used; or

(*b*) any person, knowing that an undertaking has been given under this Part of this Act that any premises shall not be used for human habitation, uses those premises for human habitation or permits them to be so used,

he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day or part of a day on which he so uses them or permits them to be so used after conviction.

(3) Where an undertaking has been given under this Part of this Act that any premises shall not be used for human habitation, nothing in the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, or in any enactment amending those Acts, shall prevent any owner of those premises from obtaining possession thereof.

Appeals.

20.—(1) Subject to the provisions of subsections (1), (2) and (4) of section one hundred and three of the principal Act, (relating to procedure in appeals to the sheriff) any person aggrieved by—

(*a*) a notice under this Part of this Act requiring the execution of works;

(*b*) a demand for the recovery of expenses incurred by a local authority in executing works;

(*c*) an order made by a local authority with respect to any such expenses;

(*d*) a demolition order made under this Part of this Act;

(*e*) a closing order so made or a refusal to determine a closing order;

may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be; and no proceedings shall be taken by the local authority to enforce any notice, demand or order whilst an appeal against it is pending:

Provided that—

(i) on an appeal under paragraph (*b*) or paragraph (*c*) of this subsection, no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of the works; and

(ii) no appeal shall lie under paragraph (*d*) or paragraph (*e*) of this subsection at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement, the unexpired term of which does not exceed six months.

(2) Upon the hearing of an appeal under this section—

(i) the sheriff may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted shall have the like effect as if it had been given to and accepted by the authority under this Part of this Act; and

(ii) where the sheriff allows an appeal against a notice requiring the execution of works to a dwelling-house, he shall, if requested by the authority so to do, include in his determination a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

(3) Any notice, demand or order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days above mentioned and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by the sheriff, become operative as from the date of the determination of the appeal.

Power of local authority to acquire and execute works on certain houses.

21.—(1) Where any person has appealed to the sheriff against a notice under this Part of this Act requiring the execution of works to a dwelling-house, and the sheriff in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or may be authorised to purchase it compulsorily in accordance with the provisions of this section, and, if they purchase the house compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.

(2) A local authority may for the purposes of this section be authorised to purchase a house by a compulsory purchase order made and submitted to the Department within six months after the determination of the appeal and confirmed by them in accordance with the provisions of the Second Schedule to this Act; but if any person being an owner of, or the holder of a heritable security over, the house undertakes to carry out to the satisfaction of the Department, and within such period as the Department may fix, the works specified in the notice against which the appeal was brought, the Department shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

(3) The compensation to be paid for any house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district and of any town planning scheme in operation in the area, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

PART III.

PROVISION OF HOUSING ACCOMMODATION AND GOVERNMENT ASSISTANCE TOWARDS COST OF HOUSING OPERATIONS.

Duties of local authorities to review housing conditions in their districts and to frame proposals.

22.—(1) It shall be the duty of every local authority to consider the housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation for the working classes and for that purpose to review the information which has been brought to their notice, either as a result of the inspections and surveys carried out under section five of the principal Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Department, to prepare and submit to the Department proposals for the provision of

PART III. —*cont.*

new houses for the working classes, distinguishing those houses which the authority propose to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authorities under this Act or of action taken under paragraph (*d*) of subsection (1) of section forty-three of the principal Act.

(2) In the year nineteen hundred and thirty, in the year nineteen hundred and thirty-three, and in each fifth succeeding year every local authority shall furnish to the Department, in addition to any proposals submitted by them under the last preceding subsection, a general statement of the measures which they propose to take, in the case of the first statement, during the three next succeeding years and, in the case of every other statement, during the five next succeeding years for dealing with housing conditions in their district and the provision of further housing accommodation.

(3) Section forty-seven of the principal Act (which relates to the duty of a local authority to prepare housing schemes) shall cease to have effect.

Government contributions to expenses of local authorities in providing accommodation available for displaced persons, &c.

23.—(1) The Department shall, subject to the provisions of this Part of this Act and to such conditions as to records, certificates, audit or otherwise as, with the approval of the Treasury, they may determine, make or undertake to make contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in connection with any action taken by them under this Act for dealing with clearance or improvement areas or for the demolition or closing of insanitary houses and in connection with the provision and maintenance of the housing accommodation rendered necessary by any action so taken, or action taken under paragraph (*d*) of subsection (1) of section forty-three of the principal Act.

(2) A contribution under this section shall be payable annually for a period of forty years and shall be the appropriate sum (as hereinafter defined) multiplied by the number of persons of the working classes whose displacement is shown to the satisfaction of the Department to have been rendered necessary by such action of the local authority as is mentioned in the last preceding subsection:

Provided that the number of persons to be taken into account in calculating such contribution shall not exceed the number of persons of the working classes for whom accommodation has, with the approval of the Department, been rendered available by the authority in new houses at a cost approved by the Department.

(3) For the purposes of the last preceding subsection—

The expression " appropriate sum " means—

(*a*) in the case of persons displaced from houses in a rural area, the sum of two pounds fifteen shillings; and

(*b*) in the case of persons displaced from houses in other areas the sum of two pounds ten shillings:

Provided that, if a local authority satisfy the Department that they have purchased by agreement under this Act or have paid compensation under this Act in respect of the demolition or compulsory purchase of dwelling-houses or other premises which are neither unfit for human habitation nor injurious or dangerous to health and which are included in a clearance order or compulsory purchase order by reason only of their forming part of the same buildings as dwelling-houses which are unfit for human habitation or injurious or dangerous to health, the appropriate sum shall, as respects such number of persons as the Department may determine, not exceeding the number of persons displaced from dwelling-houses within the clearance or improvement area in which the said dwelling-houses or other premises are situated (other than dwelling-houses in an improvement area acquired for opening out the area) be increased by such sum not exceeding fifteen shillings as the Department may fix, so however that the sum payable by virtue of this proviso in such a case shall not exceed the annual sum required over a period of forty years to meet one half of the total sum representing—

(i) the compensation paid under subsection (4) of section twelve of this Act in respect of the demolition of such, if any, of the said dwelling-houses or other premises as were included in the clearance order; and

(ii) the purchase price or compensation paid in respect of the acquisition of the remainder of

Part III. —*cont.*

the said dwelling-houses or other premises, under deduction of the sum which, in the opinion of the Department, would have been payable by the authority as compensation in respect of the said dwelling-houses and premises under subsection (2) of section twelve of this Act had the said dwelling-houses and premises been specified in the compulsory purchase order as injurious or dangerous to health.

(4) Save as otherwise provided in the next succeeding subsection, contributions under this section shall not be payable unless the local authority have undertaken that the special conditions mentioned in the next succeeding section will be complied with in relation to the houses provided by them or if contributions are payable in respect of the houses either under the Housing, &c. Act, 1923, or the Housing (Financial Provisions) Act, 1924.

13 & 14 Geo. 5. c. 24.
14 & 15 Geo. 5. c. 35.

(5) Where a local authority satisfy the Department that, having regard to the demand for housing accommodation on the part of single persons, there is need in their district for a hostel for the accommodation of such persons and the authority provide such a hostel in accordance with proposals approved by the Department, the hostel shall, subject to the authority complying with such conditions, if any, as the Department may impose, be deemed to be accommodation in new houses for the purposes of this Part of this Act for such number of persons as the Department may determine, notwithstanding that the special conditions mentioned in the next succeeding section are not complied with in relation to the hostel:

Provided that if any condition imposed by the Department under this subsection is not complied with, the same consequences shall ensue as if that condition had been one of the said special conditions.

(6) Subsection (3) of section one and subsection (5) of section twenty-three of the Housing, &c. Act, 1923, (which enable the Department to make contributions towards the expenses incurred by a local authority in carrying out certain rehousing schemes), shall cease to have effect, but this repeal shall not affect any liability of the Department to pay any contribution which they or the Scottish Board of Health had undertaken before the commencement of this Act to make.

Part III. —*cont.*

(7) Payments on account of contributions under this section shall be made at such times and in such manner as the Treasury may direct.

Special conditions.

24.—(1) The special conditions for compliance with which a local authority are required by the last preceding section to give an undertaking are as follows:—

(*a*) that the houses shall be let for occupation to tenants who intend to reside therein;

(*b*) that it shall be a term of every such let that the tenant shall not assign, sublet, or otherwise part with the possession of the house, or any part thereof, or permit any lodger to occupy any part of the house, except with the consent in writing of the local authority or some person authorised by them in that behalf, and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignation, sublet, or other transaction;

(*c*) that the total amount of the rents charged in respect of the houses in any year shall be an amount ascertained by deducting from the estimated average annual expenses towards which contributions are payable by the Department under this Part of this Act calculated by reference to a period of sixty years the annual equivalents calculated in the like manner of—

(i) the contributions payable by the Department towards the expenses, and

(ii) a sum of four pounds ten shillings per house deemed to be provided annually for a period of forty years out of local rates or as respects any particular year such greater or less sum to be deemed to be provided out of rates as the local authority, in the case of a greater sum, may think necessary and as the Department, in the case of a less sum, may, on the application of the authority, approve, due regard being had in either case to the rents which can reasonably be charged to persons of the class for which the houses are provided;

Part III. —*cont.*

(*d*) that no grassum, premium or other like sum shall be taken in addition to the rent;

(*e*) that a fair wages clause, which complies with the requirements of any resolution of the House of Commons for the time being in force with respect to contracts of Government departments, shall be inserted in all contracts for the construction of the houses.

(2) If at any time a local authority sell any house which under this Part of this Act is subject to special conditions or, save by such let as is authorised by those conditions, otherwise dispose of any such house, any contribution which would otherwise have been payable by the Department by reason of the provision of that house shall cease to be payable.

(3) If at any time it is shown to the satisfaction of the Department that any of the special conditions to which a house is subject under this Part of this Act has not been complied with, any contribution payable by reason of the provision of that house may be discontinued, or the amount thereof may be reduced, and the duration thereof may be curtailed, according as the Department thinks proper.

Periodical revision of scale of contribution for the purposes of subsequent rehousing schemes.

25.—(1) In the year one thousand nine hundred and thirty-three, after the first day of October in that year, and in each third succeeding year, after the first day of October in that year, the Department shall take into consideration the expenses which are likely to be incurred in the period of three years from such first day of October in connection with operations in respect of which contributions would be payable under this Part of this Act by the Department, due regard being had to the expenses actually incurred during the period of three years ending on that day for a like purpose, and after consultation with such associations of local authorities as appear to them to be concerned, and with any local authority with whom consultation appears to them to be desirable, may, if they think it expedient so to do, make an order altering the amount of the contributions payable, or the period for which such contributions are to be payable, so far as regards persons in respect of whose displacement accommodation in new houses has not been

PART III.—*cont.*

rendered available before a date specified in the order, but so, nevertheless, that the amounts and period fixed by the order shall be such as may be approved by the Treasury, and shall not exceed the respective amounts or the period fixed by this Part of this Act, unless Parliament otherwise determines.

An order under this section may make such consequential alterations of the sum and period mentioned in the special condition (*c*) contained in the last preceding section as appear to be necessary for the purpose of adjusting them to any alteration made by the order in the amount or duration of the contributions.

(2) Before any order is made by the Department under this section, a draft of the proposed order shall be laid before the Commons House of Parliament and the order shall not be made unless and until a resolution is passed by that House approving of the draft.

Adjustment of rents.

26.—(1) If it appears to a local authority, who have under this Part of this Act provided in new houses accommodation available for displaced persons, that it is desirable to render alternative accommodation available for some of those persons in other houses belonging to the authority, which, by reason of their situation or for other reasons, are better suited to the requirements of the displaced persons, but that the rents charged by the authority in respect of those other houses (hereafter in this section referred to as " the alternative houses ") are higher than the rents which would, but for the provisions of this section, be charged by them in respect of equivalent accommodation in the new houses, the authority may represent the facts to the Department and thereupon the Department, if satisfied that the representation is well founded, may authorise the authority to charge in respect of the alternative houses such rents as they would, but for the provisions of this section, have charged in respect of equivalent accommodation in the new houses.

(2) The following provisions shall have effect where the rents of any alternative houses are reduced in pursuance of this section, that is to say :—

(*a*) For the purposes of the financial provisions of any enactment applicable in the case of the alternative houses, the authority shall be deemed to be charging in respect of those houses the

Part III. —*cont.*

rents which but for the provisions of this section they would have charged in respect of them;

(*b*) For the purposes of condition (*c*) of the special conditions set out in this Part of this Act, the estimated average annual expenses to be taken into account in fixing the rents of the new houses concerned shall be deemed to be increased by an amount equal to the difference between the rents charged by the authority in respect of the alternative houses and the rents which, but for the provisions of this section, they would have charged in respect of them; and

(*c*) The authority shall comply with such directions as may be given by the Department with respect to the making of adjustments in the accounts of their housing undertakings.

PART IV.

GENERAL AND MISCELLANEOUS.

Recovery of possession of buildings subject to clearance, demolition or closing order.

27.—(1) Where a clearance order or a demolition order or a closing order has become operative, the local authority shall serve on the occupier of any building or dwelling-house or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which it requires the building or house to be vacated and requiring him to remove from the building or house before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building or house to be vacated any person is in occupation of the building or house or of any part thereof, the authority or any owner of the building or house may make summary application for removal and ejection to the sheriff who, after requiring the service of such additional notice, if any, as he thinks fit, may grant warrant for ejection whereby vacant possession of the building or house or of the part thereof shall be given to the authority or owner as the case may be within such period not being less than two weeks nor more than four weeks as he may determine.

(2) Any expenses incurred by a local authority under this section in obtaining possession of any building or house

or part thereof may be recovered by them from the owner of the building or house in a summary manner but a local authority shall not be entitled to recover any expenses under this subsection—

(*a*) in the case of premises included in a clearance order which are not specified therein as being unfit for human habitation or dangerous or injurious to health; or

(*b*) in the case of any other premises unless the owner has failed to make, within a reasonable time a summary application for removal and ejection to the sheriff, or having made such an application has failed to take all steps necessary to have the application disposed of within a reasonable time.

(3) Any person who, knowing that a clearance order or a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day, or part of a day, on which the occupation continues after conviction.

Duty of local authority to have regard to amenities of locality, &c.

28. A local authority, in preparing any proposals for the provision of houses or in taking any action under this or the principal Act, shall have regard to the beauty of the landscape or countryside and the other amenities of the locality and the desirability of preserving existing works of architectural, historic, or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Department.

Power of sheriff to determine lease in certain cases.

29.—(1) Where any premises in respect of which a clearance order or a demolition order made under this Act has become operative form the subject matter of a lease, and the action taken under the order has not had the effect of determining the lease, either the landlord or the tenant or any other person deriving right thereunder may apply to the sheriff within whose jurisdiction the premises are situate for an order determining the lease.

Part IV. —*cont.*

(2) Upon any such application as aforesaid the sheriff, after giving to any sub-tenant or other person whom he considers to be interested in the matter an opportunity of being heard, may, if he thinks fit, order that the lease shall be determined, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation or damages or otherwise) as he may think it just and equitable to impose, regard being had to the respective rights, obligations and liabilities of the parties under the lease and all the other circumstances of the case:

Provided that the sheriff shall not be entitled to order any payment to be made by the landlord to the tenant in respect of the lease of a dwelling-house.

(3) In this section the expression "lease" includes a sub-lease and any tenancy or agreement for a lease or sub-lease and tacit relocation following on a lease.

Power of local authority to make allowances to certain persons displaced.

30. A local authority may pay to any person displaced from any dwelling-house or other building to which a clearance order or a demolition order or a closing order applies or which has been purchased by them under this Act or which is to be demolished by the owner in accordance with an agreement made with the authority under this Act, such reasonable allowance as they think fit towards his expenses in removing; and to any person carrying on any trade or business in any such dwelling-house or other building, they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to remove from the building, and in estimating that loss they may have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Power of local authority to require information as to ownership of premises.

31. A local authority may, for the purpose of enabling them to serve any notice which they are by this or the principal Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein whether as holder of a heritable security, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information or knowingly makes any misstatement in respect thereof shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

Protection for holders of securities over subjects included in a clearance or compulsory purchase order under Part I.

32.—(1) Before submitting a clearance order or a compulsory purchase order for the purposes of Part I of this Act to the Department for confirmation, the local authority shall require the owner of any premises included in the order to state in writing the name and address of the holder of any heritable security over the premises (other than such a holder in possession) and if any person so required by the local authority to give to them information fails to give that information or knowingly makes any misstatement with reference thereto, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

(2) The local authority shall serve on every person whose name and address has been furnished under the immediately preceding subsection a copy of the clearance order or compulsory purchase order as the case may be.

Amendment of provisions as to the calculation of contributions payable to local authorities in respect of certain schemes.

33.—(1) The provisions of this section shall, as from the sixteenth day of May, nineteen hundred and thirty, have effect with respect to the determination of the amount of any annual payment to be made by the Department to a local authority—

(*a*) under section five of the Housing Town Planning, &c. (Scotland) Act, 1919, and section six (as applied to Scotland by section twenty-three) of the Housing, &c., Act, 1923, by way of contribution towards losses incurred by the authority in carrying out any such scheme as is mentioned in the said section five; or

9 & 10 Geo. 5. c. 60.

(*b*) under subsection (3) of section one or subsection (5) of section twenty-three of the Housing, &c., Act, 1923, by way of contribution towards the expenses of such schemes as are mentioned in the said subsections.

Part IV —*cont.*

(2) Notwithstanding anything contained in the said enactments or in the regulations made thereunder, it shall not be necessary that the amount of any annual payment to which this section relates shall be determined on the basis of the estimated annual loss or the estimated average annual loss resulting from the carrying out of the scheme in respect of which the payment is to be made and, accordingly, in the case of contributions under the said sections five, six and twenty-three, amending regulations made under the said sections by the Department with the consent of the Treasury, may provide, and in the case of contributions under said subsection (3) or the said subsection (5), the said subsections shall have effect as if it were therein provided that, for the purposes of the financial year commencing on the said sixteenth day of May and of every subsequent financial year, the amount of any such annual payment may be determined either—

(*a*) on the basis of the actual loss resulting during the year from the carrying out of the scheme; or

(*b*) if it is so agreed between the Department and the local authority, on the basis, in the case of contributions under said sections five, six and twenty-three of the estimated annual loss, and in the case of contributions under said subsection (3) or the said subsection (5), of the estimated average annual loss, resulting from the carrying out of the scheme; or

(*c*) if it is so agreed as aforesaid, on the basis of actual income or expenditure as respects some items required to be brought into account, and on the basis of estimated income or expenditure as respects other such items.

Power of local authorities to make advances in respect of repairs to houses.

34. Subsection (1) of section seventy-five of the principal Act, which empowers a local authority to advance money to persons or bodies of persons constructing or altering, or undertaking to construct or alter, houses, shall extend to empower a local authority to advance money, subject to the provisions of the said section, to persons or bodies of persons carrying out, or undertaking to carry out, repairs to any house in any case where the authority consider that having regard to the cost of

Part IV.—*cont.*

those repairs, or to the financial position of the applicant, it is reasonable to give to him such assistance; and, as regards any house in respect of which an advance is so made, any reference in subsections (2) and (3) of the said section to the alteration of a house shall be construed as including a reference also to the repair of a house.

Amendment of s. 51 of principal Act.

35.—(1) Section fifty-one of the principal Act which provides that a local authority may be authorised to purchase land compulsorily for the purposes of Part III of that Act by means of an order submitted to the Department and confirmed by them in accordance with the Third Schedule to that Act shall have effect as if for the reference therein to the Third Schedule to the principal Act there were substituted a reference to the Second Schedule to this Act and the provisions of section eleven of this Act relating to the validity and date of operation of compulsory purchase orders for the purposes of Part I of this Act shall, with the necessary modifications, apply to compulsory purchase orders for the purposes of Part III of the principal Act.

(2) The proviso to section fifty-one of the principal Act shall have effect as if for the words "forms part of "any park garden or pleasure ground or is otherwise "required for the amenity or convenience of any house" there were substituted the words "forms part of any "park garden or pleasure ground and is required for the "amenity or convenience of any house."

Provisions with respect to official representations.

36.—(1) For the purposes of this or the principal Act the expression "official representation" means, in the case of any local authority, a representation made to that authority by the medical officer of health thereof.

(2) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of opinion that any dwelling-house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with either as a clearance area or as an improvement area; and if—

(*a*) any four or more local government electors of the district; or

Part IV. —*cont.*

(*b*) in the case of a county, the district council of any district within the county; or

(*c*) in the case of a small burgh within the meaning of the Local Government (Scotland) Act, 1929, the medical officer of health of the county;

intimate in writing to the medical officer of health of the authority that any dwelling-house is unfit for human habitation, or that any area should be dealt with either as a clearance area or as an improvement area, it shall be the duty of the medical officer of health of the authority forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation, or whether, in his opinion, the area should be dealt with either as a clearance area or as an improvement area; but the absence of any such complaint shall not excuse him from inspecting any dwelling-house or area and making a representation thereon to the local authority.

(3) Before making an official representation (other than such a representation for the purpose of section fourteen or section sixteen of this Act), the medical officer of health of a local authority shall consult with, or obtain a report from, the sanitary inspector of the authority.

(4) A local authority shall so soon as may be take into consideration any official representation which has been made to them.

Power of Department to enforce exercise of powers by local authorities.

37.—(1) In any case where—

(i) a complaint has been made to the Department—

(*a*) as respects any district, by any four or more local government electors of the district, or

(*b*) as respects any county, by the district council of any district within the county,

that the local authority have failed to exercise their powers under this or the principal Act in any case where these powers ought to have been exercised; or

(ii) the Department are of opinion that an investigation should be made as to whether any local authority have failed as aforesaid;

the Department may cause a public local enquiry to be held, and if after the enquiry has been held they are satisfied that there has been such a failure on the part of the local authority, they may make an order declaring the authority to be in default and directing the authority to exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.

(2) If a local authority with respect to whom an order has been made under the preceding subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement—

(*a*) the Department may, with the approval of the Lord Advocate, apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just; or

(*b*) the Department may make an order rendering exercisable by themselves such of the powers of the local authority under this or the principal Act as may be specified in their order.

Complaint to Department by tenant or occupier with regard to water supply, &c.

38. If the tenant or occupier of a dwelling-house is aggrieved by any decision of a local authority with respect to the provision of a water supply or a water closet or earth closet for the house or the execution of works necessary to render the house fit for human habitation he may, in any case where no appeal to the sheriff has been taken against such decision, complain to the Department who may cause a local inquiry to be held, and if as a result of such inquiry they are of opinion that the local authority have not required the provision of such water supply or water closet or earth closet or the execution of such works as they should have required, the Department may make an order rendering exercisable by themselves such powers of the local authority in the matter as may be specified in their order and any such order may contain such directions as appear necessary with regard to any notice given by the local authority relating to the house.

Part IV. —*cont.*

Provisions as to exercise by Department of powers of a local authority.

39.—(1) The following provisions of this section shall have effect in any case where under this Act the Department have by order rendered exercisable by themselves any powers of a local authority.

(2) Any expenses incurred by the Department in exercising the said powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Department shall on demand be paid by the local authority to the Department, and shall be recoverable as a debt due to the Crown.

(3) The payment of any such expenses as aforesaid, so far as the expenses are of a capital nature, shall be a purpose for which a local authority may borrow money in accordance with the provisions of the principal Act relating to borrowing by local authorities.

(4) The Department may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by them in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.

(5) Where any action taken by the Department has resulted in the provision of houses which, if that action had been taken by the local authority, might have been made subject to special conditions under the Housing (Financial Provisions) Act, 1924, or under Part III of this Act, and an order is made by the Department vesting those houses in the local authority, those houses shall, if the order so directs, be subject to the special conditions specified in the Act under which they were provided, and the Department may, subject as hereinafter provided, make or undertake to make contributions accordingly:

Provided that, notwithstanding anything in any Act or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Department at their discretion.

Power of Department to withhold contributions in event of default.

40. If at any time it is shown to the satisfaction of the Department that a local authority have failed to perform any of their duties under this or the principal Act, then, without prejudice to any other power conferred upon the Department by this Act, they may withhold the whole or any part of any contribution which they have under this Act undertaken to make to that authority.

Power to vary and revoke orders.

41. Any order made by the Department under this Act may be varied or revoked by a subsequent order made by the Department but without prejudice to the validity of anything previously done under the order; and when any order rendering any powers or duties of a local authority exercisable by the Department is so revoked, the Department may either by the revoking order or by a supplementary order make such provision as appears to them desirable with respect to the transfer vesting and discharge of any property debts or liabilities acquired or incurred by the Department in exercising the powers and duties to which the order so revoked related.

Acceptance of assistance under certain enactments not to disqualify for membership of local authority.

42. Notwithstanding anything in any enactment, a person to whom assistance is given by any local authority under the Housing, &c., 1923, or the Housing (Financial Provisions) Act, 1924, shall not be disqualified for being elected or being a member of the authority or any committee or sub-committee thereof:

Provided that a person shall not vote as a member of a local authority or any committee or sub-committee thereof upon any resolution or question if it relates to the granting to him of any such assistance.

Annual value for valuation and rating of certain dwelling-houses.

43. For the purposes of any enactment relating to valuation or rating, the gross annual value of any dwelling-house in respect of which a contribution out of moneys provided by Parliament is payable under this Act or which is subject to special conditions under the Housing (Financial Provisions) Act, 1924, or which forms part of a rehousing scheme towards the expenses of which such a contribution is payable under subsection (3) of section one or subsection (5) of section twenty-three of the Housing, &c., Act, 1923, shall not exceed the rent (exclusive of occupiers rates) charged in respect of that house:

Provided that the provisions of this section shall not apply to any dwelling-house forming part of such a rehousing scheme as aforesaid and included in the valuation roll for the year ending on the fifteenth day of May, nineteen hundred and thirty.

Part IV. —*cont.*

Power to prescribe forms, &c.

44. The Department may by regulations prescribe anything which by this Act or the principal Act is to be prescribed and the form of any notice, advertisement, statement or other document which is required or authorised to be used under or for the purposes of this or the principal Act and the forms so prescribed or forms as near thereto as circumstances admit shall be used in all cases to which those forms are applicable.

Regulations to be laid before Parliament.

45. All regulations made by the Department under this Part of this Act shall, so soon as may be after they are made, be laid before each House of Parliament, and, if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulations have been laid before it, resolves that the regulations shall be annulled, the regulations shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

Definition of "rural area" for purposes of housing subsidies.

46.—(1) In this Act the expression "rural area" shall have the same meaning as in the Housing (Financial Provisions) Act, 1924, as amended by this Act.

(2) In the definition of "rural area" in subsection (2) of section sixteen of the Housing (Financial Provisions) Act, 1924, references to the value of agricultural land and to total valuation shall be construed as references to the gross annual value of agricultural lands and heritages and to total gross annual valuation, and in this subsection the expression "agricultural lands and heritages" shall not include woodlands, but save as aforesaid shall have the same meaning as in the Rating and Valuation (Apportionment) Act, 1928, as that Act applies to Scotland.

18 & 19 Geo. 5. c. 44.

Crown rights.

47. Nothing in this Act shall affect prejudicially any estate, right, power, privilege, or exemption of the Crown, or authorise the use of or interference with any land (including tidal lands below high-water mark of ordinary spring tides) belonging to His Majesty in right of his Crown or to any Government Department, without the consent of His Majesty or the Government Department as the case may be.

Works below high-water mark.

48. Nothing in this Act shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Interpretation.

49.—(1) For the purposes of this Act and of the principal Act, unless the context otherwise requires—

the expression "Department" means the Department of Health for Scotland;

the expression "owner," includes any person who under the Lands Clauses Acts would be enabled to sell and convey land to the promoters of an undertaking; and

the expression "sanitary defects" includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or of sanitary arrangements or of other conveniences and inadequate paving or drainage of courts, yards or passages.

(2) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any building regulations in operation in the district, or of the general standard of housing accommodation for the working classes in the district.

(3) In this Act any reference to the demolition of a building shall be deemed to include a reference to such reconstruction of the building as the Department may approve, and where a building is so reconstructed any reference to selling, feuing, letting or appropriating the land, the building on which has been or will be demolished, shall, unless the context otherwise requires, be construed as a reference to selling, feuing, letting or appropriating the land and the reconstructed building.

Amendments of principal Act, &c.

50.—(1) The principal Act shall have effect as if the provisions of this Act with respect to the execution of works on or the closing or demolition of insanitary houses and the acquisition of buildings consisting wholly of closed houses and the provisions thereof with respect to the clearance or improvement of unhealthy areas were inserted in Parts I and II respectively of the

Part IV. —*cont.*

principal Act in substitution for the provisions therein contained with respect to the power of a local authority to repair houses, to make closing and demolition orders, to acquire closed houses and to remove obstructive buildings, and for the provisions therein contained with respect to the making, confirmation and execution of improvement schemes and reconstruction schemes.

(2) The amendments specified in the second column of the Fourth Schedule to this Act (which relate to minor and consequential details) shall be made in the sections of the principal Act specified in the first column of that Schedule.

(3) The amendments specified in the second column of the Fifth Schedule to this Act (being amendments consequential on the Local Government (Scotland) Act, 1929) shall be made in the sections of the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and the principal Act specified in the first column of that Schedule.

(4) In provisions of the principal Act relating to offences (other than subsection (2) of section one hundred and seven) for the words "on summary conviction," wherever they occur, there shall be substituted the words "on conviction by a court of summary jurisdiction."

Repeals.

51.—(1) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, where before the commencement of this Act any notice requiring the execution of works has been served, or any demand for or order relating to the expenses of executing works or any closing order or demolition order has been made, or any improvement scheme or reconstruction scheme has been confirmed by the Department or has been submitted to the Department for confirmation, the like proceedings (including proceedings for the modification of a confirmed scheme) may be taken with respect thereto and the like consequences shall ensue as might have been taken or would have ensued if this Act had not been passed.

(2) The mention of particular matters in the proviso to the preceding subsection shall not be held to prejudice

or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Part IV. —*cont.*

52 & 53 Vict. c. 63.

Short title, construction and extent.

52.—(1) This Act may be cited as the Housing (Scotland) Act, 1930, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Housing (Scotland) Acts, 1925 and 1930.

(2) Unless anything in the context otherwise requires, any reference in this Act, or in any Act passed before this Act, to the principal Act shall be construed as a reference to the principal Act as amended by this Act; and any reference in this Act, or in any Act (including the principal Act) passed before this Act, to any Part of the principal Act, or to any enactment therein contained, shall be construed as a reference to that Part or that enactment as amended by this Act.

(3) This Act shall apply to Scotland only.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Clearance Orders.

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date of its coming into operation the period, not being less than twenty-eight days from that date, within which the local authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. A clearance order shall show separately in the prescribed manner—

(*a*) the dwelling-houses which are unfit for human habitation or injurious or dangerous to health and the other premises, if any, which are injurious or dangerous to health other than those to which sub-paragraph (*b*) hereof applies;

1st Sch. —*cont.*

(*b*) the dwelling-houses and other premises which are injurious or dangerous to health by reason only of the narrowness or bad arrangement of the streets; and

(*c*) all other dwelling-houses and premises included in the order.

3. Before submitting the order to the Department the local authority shall—

(*a*) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve a notice in the prescribed form on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building to which the order applies and also on every holder of a heritable security in possession of any such building or any part thereof, stating the effect of the order and that it is about to be submitted to the Department for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. So soon as may be after the required notices have been given, the local authority shall submit the order to the Department for confirmation.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Department may, if they think fit, confirm the order with or without modification; but in any other case they shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification:

Provided that—

(i) the order as confirmed by the Department shall not apply to any building to which the order would not have applied if it had been confirmed without modification;

(ii) if the Department are of opinion that any building included in the order ought not to have been so included but should be included in a compulsory purchase order relating to the clearance area, they may modify the clearance order by excluding therefrom such building and authorise the local authority to make and submit to the Department for confirmation in accordance with the provisions of Part I of this Act a compulsory purchase order with respect to such building;

1st Sch. —*cont.*

(iii) before confirming the order the Department shall send to the local authority and to every person who, having given notice to the Department of his objection to the order, appeared at the public local inquiry in support of his objection, a copy of the order as proposed to be confirmed, with an intimation that any representations in writing with respect thereto may be made to the Department within fourteen days after the date on which a copy has been sent, and before confirming the order the Department shall consider any such representations received.

SECOND SCHEDULE.

Sections 10, 21 & 35.

COMPULSORY PURCHASE ORDERS.

PART I.

PROVISIONS APPLICABLE IN THE CASE OF COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF THIS ACT AND, SUBJECT TO THE MODIFICATIONS CONTAINED IN PART II OF THIS SCHEDULE, IN THE CASE OF SUCH ORDERS MADE FOR THE PURPOSES OF PART III OF THE PRINCIPAL ACT.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it will apply, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except sections one hundred and twenty to one hundred and twenty-five of the Lands Clauses Consolidation (Scotland) Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section seventy of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections seventy-one to seventy-eight of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

2nd Sch. —*cont.*

2. The modifications, subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—

(i) The compensation shall be assessed in accordance with such of the provisions of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case;

(ii) Notwithstanding anything in section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, the arbiter may determine that such part of any house, building or manufactory as is proposed to be taken by the local authority can be taken without material damage to the house, building or manufactory, and, if he so determines, may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority that part of the house, building or manufactory; and

(iii) The arbiter shall not take into account any building erected, or any improvement or alteration made, or any interest in land created after the date of the publication of the compulsory purchase order if, in the opinion of the arbiter, the erection of the building, or the making of the improvement or alteration, or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation.

3. The order shall show separately in the prescribed manner—

(*a*) the dwelling-houses in the clearance or improvement area which are unfit for human habitation or are injurious or dangerous to health and the other premises, if any, in the area which are injurious or dangerous to health other than those to which sub-paragraph (*b*) hereof applies;

(*b*) the dwelling-houses or other premises, if any, in the clearance or improvement area erected after the passing of this Act which are injurious or dangerous to health by reason only of the narrowness or bad arrangement of the streets;

(*c*) the other land and buildings, if any, in the clearance or improvement area; and

(*d*) in the case of an order in connection with a clearance area—

(i) the land and buildings, if any, proposed to be purchased outside the area; and

(ii) the parts, if any, of the area which are to be appropriated for the rehousing of persons of the working classes.

2nd Sch. —*cont.*

4. Before submitting the order to the Department the local authority shall—

(*a*) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve a notice in the prescribed form on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land or buildings to which the order applies and also on every holder of a heritable security in possession of any such land or buildings, stating the effect of the order and that it is about to be submitted to the Department for confirmation, and specifying the time within and the manner in which objections thereto can be made.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Department may, if they think fit, confirm the order with or without modification, but in any other case they shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that—

(i) the order as confirmed by the Department shall not authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification;

(ii) the order as confirmed by the Department shall not require the authority to appropriate for the rehousing of persons of the working classes any land which the order would not have required them so to appropriate if it had been confirmed without modification;

(iii) if the Department are of opinion that any land included by a local authority in a clearance area ought not to have been so included they shall on confirming the order so modify it as to exclude that land for all purposes from the clearance area;

2ND SCH. —*cont.*

(iv) before confirming the order the Department shall send to the local authority and to every person who, having given notice to the Department of his objection to the order, appeared at the public local inquiry in support of his objection, a copy of the order as proposed to be confirmed, with an intimation that any representations in writing with respect thereto may be made to the Department within fourteen days after the date on which a copy has been sent, and before confirming the order the Department shall consider any such representations received.

6. In construing, for the purpose of this Schedule or any order made thereunder, any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking.

PART II.

MODIFICATIONS APPLICABLE IN THE CASE OF COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF PART III OF THE PRINCIPAL ACT.

1. The provisions in Part I of this Schedule shall apply to the making, submission and confirmation of compulsory purchase orders made for the purposes of Part III of the principal Act subject to the following modifications, that is to say—sub-paragraphs (i) and (ii) of paragraph 2, paragraph 3, and provisos (ii) and (iii) to paragraph 5 shall not apply.

Section 12.

THIRD SCHEDULE.

PART I.

MODIFICATIONS TO BE MADE IN SUBSECTION (1) OF SECTION THIRTY-SEVEN OF THE PRINCIPAL ACT FOR THE PURPOSES OF ITS APPLICATION TO THE ASSESSMENT OF COMPENSATION UNDER THIS ACT IN THE CASE OF LAND, INCLUDING DWELLING-HOUSES OR OTHER PREMISES THEREON SPECIFIED IN A COMPULSORY PURCHASE ORDER AS UNFIT FOR HUMAN HABITATION OR INJURIOUS OR DANGEROUS TO HEALTH.

Subsection (1) of section thirty-seven of the principal Act shall be modified in the following manner:—

For the words from the beginning of the subsection to the words "dangerous or prejudicial to health," where those words secondly occur, there shall be substituted the words "The compensation to be paid for land, including dwelling-"houses or other premises thereon which are specified "in a compulsory purchase order as unfit for human "habitation or injurious or dangerous to health."

In the proviso for the words from "if in the opinion of the Board" to "dangerous or prejudicial to health" there shall be substituted the words "if under the provisions of "the compulsory purchase order as confirmed by the "Department any land comprised in a clearance or im-"provement area is to be appropriated for the rehousing "of persons of the working classes the compensation "which would otherwise be payable to all persons "interested in any land, including dwelling-houses or "other premises thereon specified as aforesaid as "unfit for human habitation or injurious or dangerous "to health."

In sub-paragraph (*a*) for the words "the value of the whole "of the land included in the scheme" there shall be substituted the words "the value, in the case of a clearance "area, of the whole of the land comprised in the area, "and in the case of an improvement area, of that part "of the land comprised in the area forming the site of "buildings to be demolished other than buildings on "land acquired for the purpose of opening out the "area."

In sub-paragraph (*b*) the words "the whole of" and the words "or the laying out of open spaces" shall be omitted and for the words "the requirements of the scheme" there shall be substituted the words "the "requirements of the compulsory purchase order."

PART II.

RULES AS TO ASSESSMENT OF COMPENSATION APPLICABLE IN THE CASE OF PURCHASE OF LAND (OTHER THAN LAND TO WHICH SUBSECTION (2) OF SECTION TWELVE OF THIS ACT APPLIES).

1. If the arbiter is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes or being so overcrowded as to be injurious or dangerous to the health of the inmates, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding.

3rd Sch. —*cont.*

2. If the arbiter is satisfied that any premises are in a state of defective sanitation or are not in reasonably good repair, the compensation shall be the estimated value of the premises if put into a sanitary condition or reasonably good repair less the estimated expense of putting them into such condition or repair.

3. The local authority may tender evidence as to the matters aforesaid, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

4. The arbiter shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the demolition by the local authority of any buildings.

5. Subject to the foregoing provisions, the compensation shall be assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

Section 50.

FOURTH SCHEDULE.

Minor and Consequential Amendments of the Principal Act.

The Housing (Scotland) Act, 1925.

Section 12 - In subsection (1) the words "so dangerous "or injurious to health as to be" shall be omitted.

Section 13 - In subsection (1) the words "in a state so "dangerous or injurious to health as to be" shall be omitted.

Section 21 - In subsection (1) for the words "by an order," there shall be substituted the words "by a notice."

Section 23 - In subsection (2) after the words "in respect "of which" there shall be inserted the words "a notice requiring the execution of works has been served or"; and the words "or in claiming to retain any site" and the words "or to claim to retain the site" shall be omitted.

4th Sch.
—*cont.*

The Housing (Scotland) Act, 1925.	
Section 24 -	In subsection (3) for the words "the provisions of section three of this Act with "respect to the execution of works" there shall be substituted the words "the provisions of this Part of this Act with "respect to the enforcement of notices "requiring the execution of works."
Section 25 -	After the words "an order is made" there shall be inserted the words "or a notice "requiring the execution of works is "served" and after the words "any such "order" there shall be inserted the words "or notice."
Section 32 -	In subsection (1) for the words "any person "whose lands were proposed by the scheme "to be taken compulsorily," there shall be substituted the words "any owner or lessee "of any lands included in a clearance "order or a compulsory purchase order "or any holder of a heritable security "over such lands," and for the word "scheme" there shall be substituted the words "such clearance order or compulsory purchase order," and in subsection (2) for the words "any order under the last "foregoing section," there shall be substituted the words "any clearance order or "compulsory purchase order."
Section 49 -	For the words "Where any such scheme is being carried into effect" there shall be substituted the words "Where any housing "operations under this Part of this Act "are being carried out"; for the words "of the scheme" there shall be substituted the words "of the operations"; and for the words "the scheme is" there shall be substituted the words "the operations are."
Section 59 -	In paragraph (*d*) after the word "house" there shall be inserted the words "or any "apartment thereof."
Section 60 -	At the end of the section there shall be added the words "or any apartment thereof."
Section 66 -	In subsection (1) the words "Parts I, II and "III of" shall be omitted.

4th Sch. —*cont.*

The Housing (Scotland) Act, 1925.

Section 68 -	In subsection (1) the words from "so far as it relates" to "obstructive buildings" shall be omitted.
Section 70 -	In subsection (1) for the words "Where a "housing scheme approved under Part "III of this Act is being carried into "effect," there shall be substituted the words "Where housing operations under "Part III of this Act are being carried "out" and for the words "the scheme," wherever those words occur, there shall be substituted the words "the operations." In subsection (2) for the words "a scheme is "being carried out" there shall be substituted the words "operations are being "carried out."
Section 76 -	For the words "Where a housing scheme "approved under Part III of this Act is "being carried into effect," there shall be substituted the words "Where housing "operations under Part III of this Act "are being carried out"; for the words "the scheme is being carried out" there shall be substituted the words "the "operations are being carried out"; and for the words "the carrying out of the "scheme" there shall be substituted the words "the carrying out of the operations."
Section 79 -	After the words "an Act" there shall be inserted the words "not being an order made "under this Act."
Section 80 -	In subsection (1) for the words "a housing "scheme" there shall be substituted the words "housing operations"; and for the words "in pursuance of the scheme" there shall be substituted the words "in connec-"tion with the operations." In subsections (2) and (3) for the words "a housing scheme," wherever those words occur, there shall be substituted the words "housing operations." In subsection (4) for the words "housing "schemes" there shall be substituted the words "housing operations"; for the words "schemes made," where those words first occur, there shall be substituted the

4th Sch. —*cont.*

The Housing (Scotland) Act, 1925.	
Section 80—*cont.*	words "housing operations carried out"; after the words "this Act or" there shall be inserted the words "housing operations "carried out"; and for the words "schemes made or carried into execution" there shall be substituted the words "housing operations carried out."
Section 86 -	The words "scheme or," wherever those words occur, shall be omitted.
Section 87 -	In subsection (1) for the words "any land "proposed to be included in any scheme "or order to be made under this Act or "any land proposed to be acquired under "this Act," there shall be substituted the words "any land proposed to be acquired "or appropriated under this Act"; the words "before preparing the scheme or "order or acquiring the land," and the words "confirming the scheme or order or" shall be omitted; and after the word "acquisition" there shall be inserted the words "or appropriation."
Section 89 -	In subsection (1) for the words "confirming a "scheme" there shall be substituted the words "made and confirmed" and for the words "of the scheme" there shall be substituted the words "of Part II." In paragraph (*a*) of subsection (2) the words "a scheme under" shall be omitted.
Section 90 -	In subsection (1) the words "or under any "scheme made in pursuance of this Act" shall be omitted.
Section 103 -	In the proviso to subsection (2) for the words "special case" there shall be substituted the words "stated case."
Section 105 -	In paragraph (*a*) of subsection (1) after the word "owner" there shall be inserted the words "or other person having control."
Section 109 -	In paragraph (*b*) for the words "in respect of "which a closing order or an order for "demolition has been made," there shall be substituted the words "in respect of "which a notice requiring the execution "of works has been served or a clearance "order, demolition order or closing order "has been made."

4th Sch. —*cont.*

The Housing (Scotland) Act, 1925.

Section 112 - The words "Part I of" shall be omitted; after the words "with respect to which" there shall be inserted the words "a "clearance order, a demolition order, or"; and for the words "under this Act or under "any scheme made under this Act or any "enactment repealed by this Act" there shall be substituted the words "under any "enactment relating to the housing of the "working classes or to prevent possession "being obtained of a house for the purpose "of securing compliance with any "byelaws made for the prevention of "overcrowding."

Section 50.

FIFTH SCHEDULE.

Amendments of the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and the Housing (Scotland) Act, 1925, consequential on the Provisions of the Local Government (Scotland) Act, 1929.

The Housing, &c. Act, 1923.

Section 23 - In subsection (6) for the words "district "board of control," where they first occur, there shall be substituted the words "county "or town council" and for the words "county council or district board of control "as the case may be" there shall be substituted the word "council."

The Housing (Financial Provisions) Act, 1924.

Section 16 - In subsection (2) for the words "district "board of control" there shall be substituted the words "county or town council."

The Housing (Scotland) Act, 1925.

Section 45 -	In subsection (3) the words "with the consent "of the Board" shall be omitted.
Section 57 -	The words "or a county council" and "or "county council" wherever they occur shall be omitted.
Section 66 -	Subsection (2) shall be omitted.
Section 67 -	The whole section shall be omitted.
Section 68 -	In subsection (1) the words "with the consent "of the Board" shall be omitted. For subsection (2) there shall be substituted the following subsection:— "(2) Money so borrowed by a local authority shall be borrowed in accordance with the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, and shall be wholly repaid within such period not exceeding eighty years as the Department may determine." In subsection (3) the words "when acting in "their capacity of local authority under "this Act" shall be omitted.
Section 69 -	Subsections (1) and (3) shall be omitted. In subsection (2) the words "or a district "committee" and the words "or for any "of the purposes of section seventy-five of "this Act" wherever they occur shall be omitted, and for the words "the said section "sixty-seven" there shall be substituted the words "section sixty-seven of the Local "Government (Scotland) Act, 1889."
Section 70 -	In subsection (1) the words "subject to the "approval of the Board" shall be omitted and for the words "on the security of such "assessment as the Board may designate "for the purpose" there shall be substituted the words "in accordance with the pro-"visions of section twenty-three of the "Local Government (Scotland) Act, 1929." In subsection (2) the words "with the approval "of the Board" shall be omitted.
Section 71 -	The words "or a county council," "or county councils," "or county council," "or councils," "with the consent of the Board" and "without the consent of the Board," wherever they occur, shall be omitted.

5th Sch. —*cont.*

The Housing (Scotland) Act, 1925.

Section 72 - In subsection (1) the words " or county council " wherever they occur shall be omitted.

Section 75 - The words " or a county council " and " or county council," wherever they occur, shall be omitted.

Section 76 - The words " subject to the approval of the " Board " shall be omitted.

Section 80 - In subsection (4) for the words " district board " of control " there shall be substituted " by " a county or town council as local " authority under the Lunacy (Scotland) " Acts, 1857 to 1919."

Section 118 - For the section there shall be substituted the following section :—

> " 118. For the purposes of this Act the local authority shall be—
>
> (*a*) in the case of a burgh, the town council, and
>
> (*b*) in the case of a county, the county council ;
>
> and the district of the local authority shall be the burgh or the county (excluding all burghs therein) as the case may be."

Fourth Sched. Paragraph 7 shall be omitted.

Fifth Sched. - In paragraph 1 for the words " the Public " Health (Scotland) Act, 1897 " there shall be substituted the words " this Act."

In the definition of " local authority " in paragraph 12 for the words " the Public Health " (Scotland) Act, 1897 " there shall be substituted the words " this Act."

SIXTH SCHEDULE.

Section 51.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c., Act, 1923.	Subsection (3) of section one, and subsection (5) of section twenty-three.
15 Geo. 5. c. 15	The Housing (Scotland) Act, 1925.	Sections three, four, and six to eleven, subsections (2) and (3) of section twelve; sections fourteen to nineteen; subsection (3) of section twenty-three; sections twenty-six to thirty-one; sections thirty-three to thirty-six; subsection (3) of section thirty-seven; sections thirty-eight to forty-two; forty-seven and forty-eight; and sixty-one and sixty-two; subsection (1) of section one hundred and two; in section one hundred and nineteen the definition of owner; and Schedules I. and II.
20 Geo. 5. c. 6	The Housing (Revision of Contributions) Act, 1929.	Paragraph (*c*) of Article 5 of Part I. of the Schedule.

* * *

CHAPTER 41.

An Act to provide for the payment of travelling expenses incurred by members of local fisheries committees constituted under the Sea Fisheries Regulation Act, 1888. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Payment of travelling expenses incurred by members of local fisheries committees 51 & 52 Vict. c. 54.

1. It shall be lawful for a local fisheries committee constituted under the Sea Fisheries Regulation Act, 1888, to repay to any member of the committee the amount of any travelling expenses necessarily incurred by him—

(*a*) in attending any meeting of the committee or any meeting convened by the Minister of Agriculture and Fisheries under section nine of that Act;

(*b*) in carrying out any inspection necessary for the exercise of the powers, or the discharge of the duties, of the committee;

and any such amount repaid by a local fisheries committee to any member thereof shall be treated as part of the expenses of the committee.

Short title, construction and citation.

2. This Act may be cited as the Sea Fisheries Regulation (Expenses) Act, 1930, and shall be construed as one with the Sea Fisheries Regulation Acts, 1888 to 1894, and those Acts and this Act may be cited together as the Sea Fisheries Regulation Acts, 1888 to 1930.

CHAPTER 42.

An Act to amend the law with respect to Customs in the Isle of Man. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Repeal of lace duty. 20 & 21 Geo. 5. c. 1.

1.—(1) The duty of customs chargeable on lace removed or imported into the Isle of Man shall cease to be charged. and accordingly section four of the Act of 1929 is hereby repealed so far as it relates to lace.

(2) This section shall be deemed to have had effect as from the first day of July, nineteen hundred and thirty.

Duties on spirits.

2.—(1) On and from the third day of June, nineteen hundred and thirty, in lieu of the duties of customs theretofore payable on spirits, there shall, until the first day of August, nineteen hundred and thirty-one, be payable on spirits removed or imported into the Isle of Man—

(*a*) in the case of spirits of any description, being Empire products produced in Great Britain or Northern Ireland, a duty of three pounds, twelve shillings and sixpence for every gallon computed at proof, whether in cask or bottle;

(*b*) in the case of spirits of the descriptions specified in the first column of Part I of the Schedule to this Act, being Empire products produced elsewhere than in Great Britain or Northern Ireland, duties at the preferential rates respectively specified in the second column of Part I of that Schedule;

(*c*) in the case of spirits of the descriptions so specified, not being Empire products, duties at the full rates respectively specified in the third column of Part I of that Schedule;

(*d*) in the case of spirits of the descriptions specified in the first column of Part II of that Schedule, which have been warehoused for a period of two years and less than three years, in addition to the duties payable under the foregoing provisions of this subsection, duties at the rates respectively specified in the second column of Part II of that Schedule;

(*e*) in the case of spirits of the descriptions so specified in Part II of that Schedule, which have not been warehoused or have been warehoused for a period of less than two years, in addition to the duties payable under paragraph (*a*), paragraph (*b*) or paragraph (*c*) of this subsection, duties at the rates respectively specified in the third column of Part II of that Schedule.

(2) In this section the expression "Empire products" means such Empire products as are entitled to a preferential rate under section five of the Act of 1919. 9 & 10 Geo. 5. c. 74.

(3) The Act of 1898 and section two of the Act of 1909 are hereby repealed as from the third day of June, nineteen hundred and thirty. 61 & 62 Vict. c. 27. 9 Edw. 7. c. 45.

Additional duties on ale and beer.

3. There shall be payable on and from the third day of June, nineteen hundred and thirty, until the first day of August, nineteen hundred and thirty-one, such additional duties of customs on ale or beer removed or imported into the Isle of Man as are sufficient to make, when added to the existing duties, a duty at the following rate—

	£	*s.*	*d.*
For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of one thousand and fifty-five degrees - - -	3	17	0

with a proportionate increase or decrease according to the specific gravity of the worts thereof before fermentation.

Duty on hydrocarbon oils.

4.—(1) On and from the twenty-eighth day of March, nineteen hundred and thirty, a duty of customs at the rate of fourpence per gallon shall be payable on all hydrocarbon oils removed or imported into the Isle of Man (not being oils manufactured or produced in Great Britain or Northern Ireland otherwise than by refining hydrocarbon oils imported into Great Britain or Northern Ireland).

(2) There shall be allowed from the duty payable under this section a rebate at the rate of fourpence per gallon on the delivery for home consumption of any goods other than light oils.

(3) If, on an application made for the purposes of this subsection by the owner of a fishing boat entered in the fishing boat register, it appears to the satisfaction of the Commissioners of Customs and Excise (hereafter in this section referred to as "the Commissioners") that the applicant has, at any time within the period of six months preceding the date of his application or within such longer period preceding that date as the Commissioners may in any special case allow, used any quantity of hydrocarbon oil on board the boat, he shall be entitled to obtain from the Commissioners repayment of any duty which has been paid in respect of the oil so used:

Provided that—

(*a*) an application for the purposes of this subsection must be made in such manner as the Commissioners may prescribe; and

(*b*) no person who has previously made an application under this subsection for repayment of duty shall be entitled to make a further application until the expiration of at least three months from the date on which the last preceding application was made.

(4) The Commissioners may make regulations with respect to the collection of the duty imposed by this section, and may for that purpose apply, with the necessary modifications, to hydrocarbon oils removed or imported into the Isle of Man any enactments applicable with respect to duties on hydrocarbon oils imported into Great Britain or Northern Ireland.

(5) For the purposes of this section—

(*a*) the expression "hydrocarbon oils" means petroleum oils, coal tar, and oils produced from coal, shale, peat or any other bituminous substance, and all liquid hydrocarbons;

(*b*) the expression "light oils" means hydrocarbon oils of which not less than fifty per cent. by volume distils at a temperature not exceeding one hundred and eighty-five degrees Centigrade, or of which not less than ninety-five per cent. by volume distils at a temperature not exceeding two hundred and forty degrees Centigrade, or which give off an inflammable vapour at a temperature of less than 22·8 degrees Centigrade when tested in manner prescribed by the Acts relating to petroleum;

(*c*) the expression "fishing boat" means a boat used for the purposes of fishing by a person gaining a substantial part of his livelihood thereby.

The method of testing oils for the purpose of ascertaining whether they comply with the provisions of paragraph (*b*) of this subsection relating to the distillation of a certain volume thereof at a certain temperature shall be such as the Commissioners may prescribe.

Continuation of certain duties.

5.—(1) The duties of customs set out in the first column of the following table, imposed on goods removed or imported into the Isle of Man by the respective enactments set out in the second column of that table, shall continue to be payable as from the first day of August, nineteen hundred and thirty, until the first day of August, nineteen hundred and thirty-one :—

Table.

	Duty.	Enactment imposing duty.
18 & 19 Geo. 5. c. 38.	Duty on buttons - - -	Section 17 of the Act of 1928.
15 & 16 Geo. 5. c. 56. 17 & 18 Geo. 5. c. 20.	Duties on cinematograph films -	Section 6 of the Act of 1925 as amended by section 12 of the Act of 1927 and section 14 of the Act of 1928.
	Duties on clocks and watches and component parts of clocks and watches.	Section 6 of the Act of 1925.
14 & 15 Geo. 5. c. 24.	Duties on cocoa - - - -	Section 4 of the Act of 1924.
	Duty on enamelled hollow-ware -	Section 17 of the Act of 1928.
	Duties on hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.
	Duty on hop oil - - - -	Section 3 of the Act of 1929.
	Duties on matches - - -	Section 7 of the Act of 1927.
	Duty on mechanical lighters, and component parts of mechanical lighters.	Section 8 of the Act of 1928.
16 & 17 Geo. 5. c. 27.	Duties on motor cars, including motor bicycles and motor tricycles, and their accessories and component parts.	Section 6 of the Act of 1925 as amended by section 6 of the Act of 1926 and section 11 of the Act of 1927.
	Duties on— (*a*) musical instruments, including gramophones, pianolas, and other similar instruments; (*b*) accessories and component parts of musical instruments, and records and other means of reproducing music.	Section 6 of the Act of 1925.
	Duty on translucent or vitrified pottery.	Section 14 of the Act of 1927.
	Duties on silk or artificial silk -	Section 7 of the Act of 1925 as amended by section 8 of the Act of 1926.
	Duty on sweets - - - -	Section 2 of the Act of 1929.
	Duties on tobacco - - -	Section 6 of the Act of 1927.
	Duties on wines - - - -	Section 1 of the Act of 1927.

(2) The duties of customs on cutlery, gloves and mantles for incandescent lighting removed or imported into the Isle of Man, imposed by section fourteen of the Act of 1926, shall continue to be payable as from the first day of August, nineteen hundred and thirty, until the twenty-second day of December, nineteen hundred and thirty.

Interpretation and short title.

6.—(1) In this Act a reference to an Act of any year shall be deemed to be a reference to the Isle of Man (Customs) Act of that year.

(2) This Act may be cited as the Isle of Man (Customs) Act, 1930.

SCHEDULE.

Section 2.

PART I.

ORDINARY CUSTOMS DUTIES ON SPIRITS NOT BEING SPIRITS PRODUCED IN GREAT BRITAIN OR NORTHERN IRELAND.

1. Description of Spirits.	2. Preferential Rates.		3. Full Rates.	
	In Cask.	In Bottle.	In Cask.	In Bottle.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For every gallon computed at proof of—				
Brandy or rum - - -	3 12 10	3 13 10	3 15 4	3 16 4
Imitation rum or geneva - -	3 12 11	3 13 11	3 15 5	3 16 5
Unsweetened spirits other than those already enumerated -	3 12 11	3 12 11	3 15 5	3 15 5
For every gallon of perfumed spirits	5 16 0	5 17 0	6 0 0	6 1 0
For every gallon of liqueurs, cordials, mixtures, and other preparations in bottle entered in such manner as to indicate that the strength is not to be tested - - - -	—	4 19 1	—	5 2 5
For every gallon computed at proof of spirits of any description not heretofore mentioned, including naphtha and methylic alcohol purified so as to be potable, and mixtures and preparations containing spirit - - - -	3 12 11	3 13 11	3 15 5	3 16 5

Part II.

Additional Customs Duties in respect of All Immature Spirits.

1. Description of Spirits.	2. Where the Spirits have been warehoused for a period of two years and less than three years.	3. Where the Spirits have not been warehoused, or have been warehoused for a period of less than two years.
	s. *d.*	*s.* *d.*
For every gallon computed at proof of spirits of any description except perfumed spirits - - - -	1 0	1 6
For every gallon of liqueurs, cordials, mixtures and other preparations entered in such manner as to indicate that the strength is not to be tested - - - - - -	1 4	2 0
For every gallon of perfumed spirits	1 7	2 5

CHAPTER 43.

amended by the Road Traffic
mendment Act 1931, (c.32)
and by the
oad and Rail
raffic Act 1933
(c.53)
nd by the Road
raffic Act 1934
c.50)
nd by the Road
raffic Driving
icences Act 1936
. 23)

An Act to make provision for the regulation of traffic on roads and of motor vehicles and otherwise with respect to roads and vehicles thereon, to make provision for the protection of third parties against risks arising out of the use of motor vehicles and in connection with such protection to amend the Assurance Companies Act, 1909, to amend the law with respect to the powers of local authorities to provide public service vehicles, and for other purposes connected with the matters aforesaid.

[1st August, 1930.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

PART I.

REGULATION OF MOTOR VEHICLES.

Classification of Motor Vehicles.

Motor vehicles to which Part I. applies.

1. This Part of this Act shall apply to all mechanically propelled vehicles intended or adapted for use on roads (in this Act referred to as "motor vehicles") and to vehicles (in this Act referred to as "trailers") drawn by motor vehicles:

Provided that—

(*a*) the provisions of this Part of this Act shall not apply to tramcars the use of which is authorised or regulated by special Act of Parliament or by an order having the force of an Act, and

(*b*) the provisions of this Part of this Act, other than sections four to eight, both inclusive, sections eleven, twelve, fifteen and twenty-three shall not apply to trolley vehicles the use of which is authorised or regulated as aforesaid;

unless in either case the special Act or order so provides.

Classification of motor vehicles.

2.—(1) Motor vehicles shall, for the purposes of this Act and the regulations, be divided into the following classes:—

(*a*) Heavy locomotives; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any load (other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment), and the weight of which unladen exceeds eleven tons and a half:

(*b*) Light locomotives; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any load (other than any of the articles aforesaid), and the weight of

Part I. *—cont.*

which unladen does not exceed eleven tons and a half, but does exceed seven tons and a quarter:

(*c*) Motor tractors; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any load (other than any of the articles aforesaid), and the weight of which unladen does not exceed seven tons and a quarter:

(*d*) Heavy motor cars; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as motor cars) which are constructed themselves to carry a load or passengers, and the weight of which unladen exceeds two tons and a half:

(*e*) Motor cars; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as motor cycles or invalid carriages) which are constructed themselves to carry a load or passengers and the weight of which unladen—

(i) in the case of vehicles which are—

(1) constructed solely for the carriage of passengers and their effects; and

(2) adapted to carry not more than seven passengers exclusive of the driver; and

(3) fitted with tyres of the prescribed type;

does not exceed three tons;

(ii) in any other case does not exceed two tons and a half:

(*f*) Motor cycles; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as invalid carriages) with less than four wheels and the weight of which unladen does not exceed eight hundredweight:

(*g*) Invalid carriages; that is to say, mechanically propelled vehicles the weight of which unladen does not exceed five hundredweight and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and are used solely by such persons:

(2) Provision may be made by regulations for—

(i) subdividing any such class as aforesaid, whether according to weight, construction, nature of tyres, use or otherwise, and making different provision with respect to each subdivision; and

(ii) varying as respects any class the maximum or minimum weight fixed by this section.

(3) Any reference in this Part of this Act to a class of motor vehicles shall include a reference to a subdivision of such a class.

(4) For the purposes of this Part of this Act—

(*a*) in any case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load; and

(*b*) in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load, but shall be deemed to form part of the vehicle; and

(*c*) a side car attached to a motor cycle shall, if it complies with the prescribed conditions, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

Prohibition of motor vehicles not complying with regulations as to construction, &c.

3.—(1) Subject as hereinafter provided, it shall not be lawful, to use on any road a motor vehicle or trailer which does not comply with the regulations applicable to the class or description of vehicles to which the vehicle belongs, as to the construction, weight and equipment thereof:

Part I. —*cont.*

Provided that—

(*a*) Where any regulations made after the passing of this Act contain provisions varying the requirements as regards the construction or weight of any class or description of vehicles, provision shall be made by the regulations for exempting for such period (not being less than five years) as may be specified therein from the provisions aforesaid any vehicle of that class or description registered under the Roads Act, 1920, before the expiration of one year from the making of the regulations; and

10 & 11 Geo. 5. c. 72.

(*b*) the Minister may by order authorise, subject to such restrictions and conditions as may be specified in the order, the use on roads of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials, and of new or improved types of motor vehicles and trailers whether wheeled or wheel-less.

(2) The Minister may at any time revoke, vary, or amend an order made under this section.

(3) If a motor vehicle or trailer is used on a road in contravention of this section, any person who so uses the vehicle or causes or permits the vehicle to be so used shall be guilty of an offence.

Licensing of Drivers.

Licensing of drivers, &c.

Amended by
e Act of 1936
. 1.

4.—(1) A person shall not drive a motor vehicle on a road unless he is the holder of a licence, and a person shall not employ any person to drive a motor vehicle on a road unless the person so employed is the holder of a licence, and if any person acts in contravention of this provision, he shall be guilty of an offence.

(2) Subject to the provisions of this Part of this Act as to the physical fitness of applicants for licences, the licensing authority, except in the case of an applicant who is disqualified as hereinafter mentioned, shall on payment of a fee of five shillings grant a licence to any person who applies for it in the prescribed manner and makes a declaration in the prescribed form that he is

not, under the provisions of this Part of this Act, disqualified by reason of age or otherwise for obtaining the licence for which he is applying.

Part I. —*cont.*

(3) Licences shall be in the prescribed form, and where under the provisions of this Part of this Act the applicant is subject to any restriction with respect to the driving of any class of motor vehicle, the extent of the restriction shall be specified in the prescribed manner on the licence.

(4) Subject to the provisions of this Act with respect to provisional licences, a licence shall, unless previously revoked or surrendered, remain in force for a period of twelve months from the date on which it is granted.

(5) Any person driving a motor vehicle on a road shall, on being so required by a police constable, produce his licence for examination, so as to enable the police constable to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it was issued, and if he fails so to do, he shall be liable to a fine not exceeding five pounds:

Provided that, if within five days after the production of his licence was so required the licensee produces the licence in person at such police station as may be specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.

(6) A person shall be disqualified for obtaining a licence—

(*a*) while another licence granted to him is in force whether the licence is suspended or not;

(*b*) if he is by a conviction under this Part of this Act or by an order of a court thereunder disqualified for holding or obtaining a licence.

(7) In any proceedings the fact that a licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified for holding or obtaining the licence.

(8) In this Part of this Act the expression "licence" means a licence to drive a motor vehicle granted under

Part I. —*cont.*

this Part of this Act, and the expression "licensing authority" means the council of the county or county borough in which the applicant for the licence resides.

Provisions as to physical fitness of applicants for licences.

5.—(1) On an application for the grant of a licence the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such a class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

(2) If from the declaration it appears that the applicant is suffering from any such disease or disability as aforesaid, the licensing authority shall refuse to grant the licence:

Provided that—

(*a*) a licence limited to driving an invalid carriage may be granted to the applicant if the licensing authority are satisfied that he is fit to drive such a carriage;

(*b*) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive, and if he passes the prescribed test and is not otherwise disqualified, the licence shall not be refused by reason only of the provisions of this subsection so, however, that if the test proves his fitness to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles;

3 Edw. 7. c. 36.

(*c*) if on the first application for the grant of a licence by a person who at the commencement of this Act is the holder of a driver's licence under the Motor Car Act, 1903, an applicant who is suffering from a disease or

Part I. —*cont.*

disability other than a disease or disability prescribed as aforesaid makes a declaration that notwithstanding his disease or disability he has during the six months immediately preceding the application been in the habit of driving a motor vehicle of any such class or description as he would be authorised by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public, the licence shall not be refused by reason only of the provisions of this subsection;

(*d*) if on the application for the grant of a licence the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as aforesaid, or making such a declaration as is mentioned in the last preceding proviso, a further test shall not be required, unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the licensing authority, it appears that the disease or physical disability from which the applicant is suffering has become more acute, or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

(3) For the purpose of enabling the applicant for the grant of a licence to learn to drive a motor vehicle with a view to passing a test under this section, the licensing authority may, if so requested by him and on payment of a fee of five shillings, grant him a provisional licence to be in force for a period of three months, which licence shall be in the prescribed form and granted subject to the prescribed conditions.

If any person to whom such a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be guilty of an offence.

(4) If it appears to a licensing authority that there is reason to believe that any person who holds a licence

Part I. —*cont.*

granted by them is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and on inquiry into the matter the authority are satisfied that the licence holder is suffering from such a disease or disability as aforesaid, then, whether or not the licence holder so suffering as aforesaid has previously passed a test under this section, the licensing authority may, after giving to the licence holder notice of their intention so to do, revoke the licence, and the licence holder shall, on receipt of such notice, deliver the licence to the licensing authority for cancellation:

Provided that the licence holder may, except in the case of such diseases and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

(5) If any person is aggrieved by the refusal of a licensing authority to grant a licence or by the revocation of a licence under this section, he may, after giving to the authority notice of his intention so to do, appeal to a court of summary jurisdiction acting for the petty sessional division in which the said person resides, and on any such appeal the court may make such order as it thinks fit, and any order so made shall be binding on the licensing authority.

Disqualification for offences and endorsement of convictions.

6.—(1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle (not being an offence under Part IV of this Act)—

(*a*) may in any case, except where otherwise expressly provided by this Part of this Act, and shall where so required by this Part of this Act, order him to be disqualified for holding or obtaining a licence for such period as the court thinks fit; and

(*b*) may in any case, and shall where a person is by virtue of a conviction disqualified for holding or obtaining a licence, or where an order so disqualifying any person is made or where so required by this Part of this Act, order that particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender:

Provided that, if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

(2) A person who by virtue of an order of a court under this Part of this Act is disqualified for holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

Provisions as to disqualifications and suspensions.

7.—(1) Where a person who is disqualified by virtue of a conviction or order under this Part of this Act is the holder of a licence, the licence shall be suspended so long as the disqualification continues in force.

(2) A licence suspended by virtue of this Part of this Act shall during the time of suspension be of no effect.

(3) A person who by virtue of a conviction or order under this Part of this Act is disqualified for holding or obtaining a licence, may, at any time after the expiration of six months from the date of the conviction or order, and from time to time apply to the court before which he was convicted or by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held

PART I. —*cont.*

by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(4) If any person who under the provisions of this Part of this Act is disqualified for holding or obtaining a licence applies for or obtains a licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, that person shall be liable on summary conviction to imprisonment for a term not exceeding six months or if the court think that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding fifty pounds, or to both such imprisonment and such fine, and a licence obtained by any person disqualified as aforesaid shall be of no effect.

(5) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under subsection (4) of this section may be brought—

(*a*) within a period of six months from the date of the commission of the alleged offence; or

(*b*) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence;

whichever period is the longer.

(6) For the purposes of this section, references to orders and convictions under this Part of this Act include references to orders and convictions under the corresponding provisions of any enactment repealed by this Act.

Provisions as to endorsements.

8.—(1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any licence held by the offender shall, whether the offender is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.

Part I. —*cont*

(2) Where an order is made requiring any licence held by an offender to be endorsed, then—

(*a*) if the offender is at the time the holder of a licence, he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and

(*b*) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement;

and if he fails to do so, he shall be guilty of an offence; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.

(3) On the issue of a new licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this section to have a licence issued to him free from endorsements.

(4) If any person whose licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, and any licence so obtained shall be of no effect.

(5) Where a person in respect of whom an order has been made under this Part of this Act, or the corresponding provisions of any Act repealed by this Act requiring the endorsement of any licence held by him, has during a continuous period of three years or upwards since the order was made had no such order made against him, he shall be entitled, either on applying for

Part I. —*cont.*

the grant of a licence under this Part of this Act, or, subject to payment of a fee of five shillings, and subject to surrender of any subsisting licence, at any time, to have issued to him a new licence free from endorsements :

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.

(6) Where a court orders particulars to be endorsed on a licence held by any person, or where by a conviction or order of a court a person is disqualified for holding or obtaining a licence, the court shall send notice of the conviction or order to the licensing authority by which the licence was granted and to the licensing authority in whose area that person resides, and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the authority by which it was granted, and that authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the licensing authority to whom that person's licence has been forwarded under this subsection shall forthwith after the receipt thereof issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

(7) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed, the court by which the appeal is allowed or the conviction is quashed shall send notice thereof to the licensing authority in whose area the person affected by the order or conviction resides and to the authority who issued the licence.

PART I —*cont.*

Provisions as to Driving and Offences in connection therewith.

Restriction on driving by young persons.

9.—(1) A person under sixteen years of age shall not drive a motor vehicle on a road unless on first applying for a licence after the commencement of this Act he satisfies the licensing authority that he was during the six months immediately preceding the first day of January, nineteen hundred and thirty, in the habit of driving a motor vehicle.

(2) A person under seventeen years of age shall not drive a motor vehicle other than a motor cycle or an invalid carriage on a road.

(3) A person under twenty-one years of age shall not drive a heavy locomotive, light locomotive, motor tractor or heavy motor car on a road unless on first applying for a licence after the commencement of this Act he satisfies the licensing authority that he was during the six months immediately preceding the first day of January, nineteen hundred and thirty, in the habit of driving a motor vehicle of that class:

Provided that a vehicle being an agricultural tractor shall not be deemed to be driven on a road within the meaning of this subsection while it is being so driven in the course of the internal operations of a farm.

(4) Any person who drives, or causes or permits any person to drive, a motor vehicle in contravention of this section, shall be guilty of an offence.

(5) A person prohibited by this section by reason of his age from driving a motor vehicle or a motor vehicle of any class, shall, for the purposes of this Part of this Act, be deemed to be disqualified under the provisions of this Part of this Act for holding or obtaining any licence other than a licence to drive such motor vehicles, if any, as he is not by this section forbidden to drive.

Rate of speed.

Amended by the Act of 1934 s. 2.

10.—(1) It shall not be lawful for any person to drive a motor vehicle of any class or description on a road at a speed greater than the speed specified in the First Schedule to this Act as the maximum speed in relation to a vehicle of that class or description, and if

Part I. —*cont.* any person acts in contravention of this section he shall be guilty of an offence.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.

(3) A person charged under this section with the offence of driving a motor vehicle of any class or description on a road at a speed greater than the maximum speed allowed in the case of a vehicle of that class or description, shall not be liable to be convicted of the offence solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

(4) The Minister may by regulation vary, subject to such conditions as may be specified in the regulation, the provisions of the First Schedule to this Act provided that—

(*a*) no speed limit shall be imposed on any vehicle in the case of which no speed limit is provided by the said Schedule; and

(*b*) a regulation under this subsection shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament.

(5) If any person is convicted under section five of the Summary Jurisdiction Act, 1848, of aiding, abetting, counselling or procuring any person who is employed by him to drive, or is subject to his orders in driving, a motor vehicle on a road to commit an offence under this section, he shall, instead of being liable on being so convicted to the same punishment as the principal offender, be liable in the case of a first conviction to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and if any person is convicted summarily of the offence of inciting to commit an offence under this section, he shall, notwithstanding anything in proviso (*c*) to subsection (1) of section twenty-four of the Criminal Justice Act, 1925, be liable to the same

11 & 12 Vict. c. 43.

15 & 16 Geo. 5. c. 86.

Part I. —*cont.*

punishment as if he had procured the commission of an offence under this section.

(6) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time table or schedule or gives any directions, under which any journey or any stage or part of any journey is to be completed within some specified time and it is not practicable in the circumstances of the case for that journey or that stage or part of the journey to be completed in the specified time without an infringement of the provisions of this section, the publication or issue of the said time table or schedule or the giving of the directions may be produced as prima facie evidence that the employer, as the case may be, procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

Reckless or dangerous driving.

11.—(1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

(*a*) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;

(*b*) on conviction on indictment to imprisonment for a term not exceeding six months x or to a fine, or to both such imprisonment and fine.

x two years w
substituted f
six months b
The Act of 1934
s. 4

(2) The court shall order particulars of any such conviction to be endorsed on any licence held by the person convicted.

(3) On a second or subsequent conviction under this section the convicting court shall exercise the power conferred by this Part of this Act of ordering that the offender shall be disqualified for holding or obtaining a licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction or for any other special reason thinks fit

Part I.—*cont.*

to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Part of this Act relating to disqualification for holding or obtaining licences, be deemed to be an offence in connection with the driving of a motor vehicle.

Careless driving.

mended by
e Act of 1934
.5.

12.—(1) If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road he shall be guilty of an offence.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.

Prohibition of motor racing and speed trials on highways.

13.—(1) Any person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

Prohibition of driving motor vehicles elsewhere than on roads.

14.—(1) If without lawful authority any person drives a motor vehicle on to or upon any common land, moor land or other land of whatsoever description (not being land forming part of a road), or on any road being a bridleway or footway, he shall be guilty of an offence, and shall be liable in the case of a first conviction to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds:

Provided that—

(*a*) it shall not be an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land; and

(*b*) a person shall not be convicted of an offence under this section if he proves to the satisfaction of the court that the motor vehicle was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(2) It is hereby declared that nothing in this section prejudices the operation of section one hundred and ninety-three of the Law of Property Act, 1925 (which relates to the rights of the public over commons and waste lands), or of any byelaws applying to any land or affects the law of trespass to land or any right or remedy to which any person may by law be entitled in respect of any such trespass or in particular confers any right to park a vehicle on any land.

15 & 16 Geo. 5. c. 20.

Punishment of persons driving motor vehicles when under influence of drink or drugs.

15.—(1) Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable—

(*a*) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;

(*b*) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, or to both such imprisonment and fine.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

(3) A person liable to be charged with an offence under this section shall not be liable to be charged

PART I. —*cont.*

under section twelve of the Licensing Act, 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage.

35 & 36 Vict. c. 94.

(4) A police constable may arrest without warrant any person committing an offence under this section.

Restriction on pillion riding.

16.—(1) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.

(2) If any person is carried on any such cycle in contravention of the provisions of this section, the driver of the cycle shall be liable in the case of the first conviction to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

Requirements as to employment of drivers and attendants.

17.—(1) In the case of heavy locomotives and light locomotives, two persons shall be employed in driving or attending the locomotive whilst being driven on any highway, and where any such locomotive is drawing a trailer or trailers on a highway one or more persons, in addition to the persons employed as aforesaid, shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one:

Provided that this subsection shall not apply to a road roller while engaged in rolling a road.

(2) Where a motor vehicle other than a heavy locomotive or a light locomotive is drawing a trailer or trailers on a highway, one person, in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.

(3) For the purposes of this section the expression "trailer" shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(4) If any person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be guilty of an offence.

(5) The Minister may by regulation vary the requirements of this section in respect of any class or description of motor vehicles or any class or description of trailers.

Restriction on the number of trailers drawn.

18.—(1) The number of trailers, if any, which may be drawn by a motor vehicle on a highway shall not exceed—

(*a*) in the case of a heavy locomotive or light locomotive, three;

(*b*) in the case of a motor tractor, one, if laden, or two, if unladen;

(*c*) in the case of a motor car or a heavy motor car, one;

or such less number as may be prescribed in relation to vehicles of the respective classes aforesaid.

(2) For the purposes of this section the expression "trailer" shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(3) If any person causes or permits a trailer to be drawn in contravention of this section, he shall be guilty of an offence.

Limitation of time for which drivers of certain vehicles may remain continuously on duty.

19.—(1) With a view to protecting the public against the risks which arise in cases where the drivers of motor vehicles are suffering from excessive fatigue, it is hereby enacted that it shall not be lawful in the case of—

(*a*) any public service vehicle within the meaning of Part IV of this Act;

(*b*) any heavy locomotive, light locomotive or motor tractor; or

(*c*) any motor vehicle constructed to carry goods other than the effects of passengers;

for any person to drive or cause or permit any person employed by him or subject to his orders to drive—

(i) for any continuous period of more than five hours and one half; or

(ii) for continuous periods amounting in the aggregate to more than eleven hours in any period of twenty-four hours commencing two hours after midnight; or

(iii) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving:

Part I. —*cont.*

Provided that it shall be a sufficient compliance with the provisions of paragraph (iii) if the driver has at least nine consecutive hours for rest in any such period of twenty-four hours provided that he has an interval of at least twelve consecutive hours for rest in the next following period of twenty-four hours.

(2) For the purposes of this section—

(*a*) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half-an-hour in which the driver is able to obtain rest and refreshment;

(*b*) any time spent by a driver on other work in connection with a vehicle or the load carried thereby, including in the case of a public service vehicle any time spent on a vehicle while on a journey in any other capacity than as a passenger shall be reckoned as time spent in driving;

(*c*) in the case of a vehicle which is being used in the course of operations of agriculture or forestry a person shall not be deemed to be driving the vehicle or to be spending time on work in connection with the vehicle or the load carried thereby so long as the vehicle is elsewhere than on a road.

(3) The Minister may, on the application of a joint industrial council, conciliation board, or other similar body, or on a joint application by such organisations, representative of employers and workpeople in the industry, as the Minister of Labour may certify to be proper bodies to make such an application, and after referring the matter to the Industrial Court for advice, by order vary the periods of time prescribed in this section, provided that he is of opinion that such variation is not likely to be detrimental to the public safety.

Any order made under this subsection may be revoked or varied by a subsequent order made in like manner and subject to the like conditions.

(4) If any person acts in contravention of this section, he shall be guilty of an offence:

Provided that a person shall not be liable to be convicted under this section if he proves to the court that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

(5) This section shall not apply to motor vehicles used for fire brigade or ambulance purposes.

Duty to give name and address and to stop and power of arrest in certain cases.

20.—(1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act as to reckless or dangerous driving or careless driving refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, he shall be guilty of an offence.

(2) Any police constable may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Act as to reckless or dangerous driving or careless driving, unless the driver either gives his name and address or produces his licence for examination.

(3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by a police constable in uniform, and if he fails so to do shall be liable to a fine not exceeding five pounds.

Restrictions on prosecutions under the preceding sections.

21. Where a person is prosecuted for an offence under any of the provisions of this Part of this Act relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving he shall not be convicted unless either—

(*a*) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or

(*b*) within fourteen days of the commission of the offence a summons for the offence was served on him; or

(*c*) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

PART I. —*cont.*

Provided that—

(i) Failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that—

(1) neither the name and address of the accused nor the name and address of the registered owner of the vehicle, could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or

(2) the accused by his own conduct contributed to the failure; and

(ii) the requirement of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

Accidents.

Duty to stop in case of accident.

22.—(1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

(2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a police constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(3) In this section, the expression " animal " means any horse, cattle, ass, mule, sheep, pig, goat, or dog.

(4) If any person fails to comply with this section, he shall be guilty of an offence.

Inquiries into accidents.

23.—(1) Where an accident arises out of the presence of a motor vehicle on a road, the Minister may direct inquiry to be made into the cause of the accident.

(2) Where any such accident has occurred, any person authorised by the Minister in that behalf may, on production if so required of his authority, inspect any

vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is, and if any person obstructs any person so authorised in the performance of his duty under this subsection, he shall be guilty of an offence.

(3) If in any case the Minister considers that any inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.

(4) Any report made by or to the Minister as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

Provisions as to Weight and Weighing of Motor Vehicles.

Power of highway and bridge authorities to authorise on specified roads carriage of greater weights.

24.—(1) A highway authority as regards any road for the maintenance of which they are responsible and a bridge authority as regards any bridge for the maintenance of which they are responsible may, subject to such conditions as they think fit, grant a permit in respect of any trailer specified in the permit drawn by a heavy locomotive or a light locomotive on the road or bridge to carry weights specified in the permit notwithstanding that when conveying such weights the trailer does not comply with any regulations as to the weight laden of trailers or as to the maximum weight which may be transmitted to the road or any part thereof by trailers, and where such a permit is given it shall not, so long as the conditions, if any, attached to the permit are complied with, be an offence in the case of any such trailer to carry on that road or bridge weights authorised by the permit by reason only that the trailer when conveying them does not comply with such regulations as aforesaid:

Provided that, where a highway authority are responsible for the maintenance of a road passing over a bridge but not for the maintenance of the bridge itself, the power conferred by this section shall be exerciseable by the bridge authority and not by the highway authority.

(2) In this section the expression " highway authority " includes any person responsible for the maintenance of a road.

PART I. —*cont.*

Power to prohibit the use of bridges by motor vehicles.

25.—(1) Where the bridge authority of any bridge over which a road passes are satisfied that the bridge is insufficient either—

(*a*) to carry a motor vehicle of which the weight exceeds a certain maximum weight; or

(*b*) to carry a motor vehicle of which the weight exceeds a certain maximum weight when travelling at more than a certain maximum speed,

the authority may, by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge, prohibit the use of the bridge, as the case may be, either by a vehicle weighing more than a weight specified in the notice or by a vehicle weighing more than a weight specified in the notice when travelling at more than a speed specified in the notice:

Provided that the weight specified in any such notice shall not be less than five tons and shall not exceed the aggregate of the maximum weights permitted for the time being for a heavy locomotive and the trailers drawn thereby when crossing a bridge.

For the purposes of this section, the expression "placed in a proper position" means placed in such a position either on or near the bridge or on or near the road leading to the bridge as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it, and the highway authority of any such road shall give to the bridge authority reasonable facilities for placing thereon any such notice as aforesaid.

(2) If a motor vehicle is driven across a bridge in the case of which a notice has been so placed as aforesaid in contravention of the notice without the consent of the bridge authority, any person who so drives it or causes or permits it to be so driven shall be guilty of an offence without prejudice, however, to any civil liability of that person in the case of damage being caused to the bridge.

(3) For the purposes of this section, weight means weight laden, and the weight of a vehicle means, in relation to a vehicle drawing a trailer, the aggregate of the weights of the vehicle and the trailer, and where the maximum permissible weight laden of any vehicle or trailer is indicated by marks placed thereon in accordance with any Act, order or regulation for the

PART I. —*cont.*

time being in force, the weight of the vehicle or trailer shall be taken not to be less than the weight so indicated unless the person charged with an offence under subsection (2) of this section proves to the satisfaction of the court that at the time of passing over the bridge the weight of the vehicle or trailer, as the case may be, was some less weight.

(4) Where a notice has been so placed as aforesaid any person who causes or permits any motor vehicle, being either a heavy locomotive, light locomotive, motor tractor or heavy motor car to stop on the bridge or to be driven on the bridge while another vehicle of any such class as aforesaid or a tramcar or trolley vehicle is on the bridge shall be guilty of an offence, without prejudice, however, to any civil liability of that person in the case of damage being caused to the bridge.

(5) Any person or body of persons aggrieved by any restriction or prohibition placed on the use of a bridge under this section, may appeal to the Minister, and the Minister, if he considers that the bridge is sufficient, as the case may be, to bear a vehicle of a weight greater than the weight specified in the notice, or a vehicle of a weight greater than the weight specified in the notice travelling at a speed greater than the speed so specified, after considering any representations made by the bridge authority, may order the restriction or prohibition to be removed or to be varied in such manner as he may direct, and the authority by whom the restriction or prohibition has been imposed shall comply within such time as may be specified in the order of the Minister with that order, and if they fail to do so the Minister may cause the notice to be removed or varied so as to comply with the order and recover summarily as a civil debt from the authority by whom the notice was placed as aforesaid the expenses incurred by him in so doing.

(6) The Minister instead of himself determining any appeal under this section may refer the matter of the appeal to an arbitrator to be appointed, in default of agreement between the parties to the appeal, by the Minister.

On any such arbitration the arbitrator shall have power to make any such order as the Minister has power to make under subsection (5) of this section, and for the purposes of this section any order made by the arbitrator shall be deemed to be the order of the Minister.

(7) An order of the Minister under this section with regard to any bridge shall not prevent the imposition of any restriction or prohibition with regard to the bridge at any future time if the authority empowered to impose the restriction or prohibition consider that it is necessary to do so having regard to any change in the circumstances of the bridge or the traffic, but the imposition of any such restriction or prohibition shall be subject to appeal under this section.

(8) The Minister may refuse to consider any appeal under this section with regard to any bridge if the question raised by the appeal has already been considered under a former appeal.

Method of calculating weight.

26. For the purposes of this Part of this Act, and of any other enactment relating to the use of motor vehicles on roads, the weight unladen of any vehicle shall be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

Weighing of motor vehicles, &c.

27.—(1) Subject to any regulations, it shall be lawful for any person authorised by a highway authority, or for any police constable authorised on behalf of a highway authority by a police authority or a chief officer of police, on production of his authority, to require the person in charge of any motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles, and if any person in charge of a motor vehicle refuses or neglects to comply with any such requirement, he shall be guilty of an offence:

Provided that it shall not be lawful for any person or police constable so authorised to require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of being weighed unladen.

(2) If at the time when the requirement is made the vehicle is more than one mile from the weighbridge or other machine, and the weight is found to be within the limits authorised by law, the highway authority on whose behalf the requirement is made shall pay in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties, or in default of agreement appointed by the Minister.

(3) Where a motor vehicle or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(4) It shall be lawful for a highway authority to erect and maintain, or to join with any other highway authority in erecting and maintaining, weighbridges or other machines for weighing vehicles or to contribute towards the cost of the erection and maintenance of any such weighbridge or other machine by any other authority or person.

(5) Any expenses incurred by a highway authority under this section shall be defrayed, in the case of a county council, as expenses for general county purposes, and in the case of a borough or district council, as general expenses incurred by the council in the execution of the Public Health Acts, 1875 to 1926, and the erection or making a contribution towards the erection of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow in the case of a county council under the Local Government Act, 1888, and in the case of a borough or district council, under and subject to the provisions of the Public Health Acts, 1875 to 1926.

51 & 52 Vict. c. 41.

Miscellaneous.

Taking motor vehicle without owner's consent or other authority to be an offence.

28.—(1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be liable—

(*a*) on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds;

Part I. —*cont.*

(*b*) on conviction on indictment, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine:

Provided that, if on summary proceedings under this section the court, or on proceedings under this section on indictment the jury, are satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent, if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(2) If on the trial of any indictment for stealing a motor vehicle the jury are of opinion that the defendant was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(3) Any police constable may arrest without a warrant any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

Restrictions on persons being towed by getting on to or tampering with motor vehicles.

29.—(1) If any person otherwise than with lawful authority or reasonable cause takes or retains hold of or gets on to a motor vehicle or trailer while in motion on any road, for the purpose of being drawn or carried, he shall be liable, in the case of a first conviction, to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(2) If while a motor vehicle is on a road or on a parking place provided by a local authority any person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism, he shall be guilty of an offence.

Regulations.

30.—(1) The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act, and for prescribing anything which may be prescribed under this Part of this Act, and generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used and otherwise for the purpose of carrying this Part of this Act into

Part I. —*cont.*

effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters :—

(*a*) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;

(*b*) the consumption of smoke and the emission of visible vapour, sparks, ashes and grit;

(*c*) excessive noise owing to the design or condition of the vehicle, or the loading thereof;

(*d*) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;

(*e*) the particulars to be marked on motor vehicles and trailers;

(*f*) the towing of or drawing of vehicles by motor vehicles;

(*g*) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect, either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any such brakes, silencers or steering gear;

(*h*) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order;

Part I. —*cont.*

(*i*) licences, and in particular with respect to the record to be kept of licences, and for providing special facilities for granting licences to persons not resident in Great Britain, and for dispensing in the case of any such persons with the requirements of section five of this Act, and for the communication by licensing authorities to one another of particulars of licences, and for making any particulars with respect to any persons who are disqualified for holding or obtaining drivers' licences or whose licences are suspended or endorsed available for use by the police, and for preventing a person holding more than one licence and for facilitating the identification of holders of licences and for providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee, not exceeding one shilling, as may be prescribed;

and different regulations may be made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

(2) In this Part of this Act the expression "regulations" means regulations made under this section.

General law relating to carriages to apply to motor vehicles.

31. Any motor vehicle or trailer shall be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule, regulation or byelaw made under any Act of Parliament, and if used as a carriage of any particular class, shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

Provisions as to Northern Ireland drivers' licences.

32.—(1) If the Minister certifies that satisfactory provision is made by the law of Northern Ireland for the granting of licences to drive motor vehicles, it shall be lawful for the holder of such a licence, to drive and be employed in driving in Great Britain a motor vehicle of any class or description which he is authorised by that licence to drive, and which he is not disqualified from driving under this Act notwithstanding that he is not the holder of a licence under this Part of this Act:

Provided that any such driver shall be under the like obligation to produce such a licence as if it had been a licence granted under this Part of this Act, and the provisions of this Part of this Act as to the production of licences granted thereunder shall apply accordingly.

(2) The holder of any such licence who by a conviction or order of the court is disqualified for holding or obtaining a driver's licence under this Part of this Act shall produce the licence so held by him to the court within such time as the court may determine, and the court shall on production of the licence forward it to the Minister.

If the holder fails to produce the licence within such time as aforesaid, he shall be guilty of an offence.

(3) If the holder of any such licence is convicted of an offence, and had he been the holder of a licence under this Part of this Act the court would have ordered particulars of the conviction to be endorsed thereon, the court instead of making such an order shall send to the Minister particulars of the conviction.

Savings

33.—(1) Nothing in this Part of this Act shall authorise any person to use on any road any vehicle so constructed or used as to cause a public or private nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

(2) A motor vehicle shall not be driven on or over Menai Bridge except in accordance with and subject to any restrictions contained in regulations made by the Minister, and if any person acts in contravention of this provision he shall be guilty of an offence.

25 & 26 Vict. c. xciii.

(3) Section forty-one of the Thames Embankment Act, 1862, shall not apply to motor tractors, heavy motor cars, motor cars, motor cycles or invalid carriages, but save as aforesaid nothing in this Part of this Act shall affect the provisions of that section.

Application to Scotland.

34. This Part of this Act shall apply to Scotland subject to the following modifications:—

(*a*) The expression "county borough" shall mean a burgh containing within its boundaries as ascertained, fixed or determined for police purposes, a population, according to the census for the time being last taken, of or exceeding fifty thousand:

PART I. —*cont.*

(*b*) Subsection (5) of section five shall have effect with the substitution for an appeal to a court of summary jurisdiction of an appeal to the sheriff within whose jurisdiction the person aggrieved resides:

3 Edw. 7. c. 25.

(*c*) A reference to a charge under section seventy of the Licensing (Scotland) Act, 1903, of being drunk while in charge, in a street or place, of a carriage shall be substituted for any reference to a charge under section twelve of the Licensing Act, 1872, of the offence of being drunk while in charge, on a highway or other public place, of a carriage:

(*d*) A reference to a "nuisance" shall be substituted for the reference to a public or private nuisance:

(*e*) Section twenty-one shall have effect with the substitution of a reference to a complaint for the reference to a summons.

PART II.

PROVISION AGAINST THIRD-PARTY RISKS ARISING OUT OF THE USE OF MOTOR VEHICLES.

Also Part-VI, 201-(1) of Act, 1960

Users of motor vehicles to be insured against third-party risks.

35.—(1) Subject to the provisions of this Part of this Act, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Part of this Act.

(2) If a person acts in contravention of this section, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and a person convicted of an offence under this section shall (unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification) be disqualified for holding or obtaining a licence under Part I of this Act for a period of twelve months from the date of the conviction.

A person disqualified by virtue of a conviction under this section or of an order made thereunder for holding or obtaining a licence shall, for the purposes of Part I of this Act, be deemed to be disqualified by virtue of a conviction under the provisions of that Part.

Part II. —*cont.*

(3) Notwithstanding any enactment prescribing a time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be brought—

(*a*) within a period of six months from the date of the commission of the alleged offence; or

(*b*) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(4) This section shall not apply to a vehicle owned by a local authority, a police authority, or the receiver for the Metropolitan Police District, or by a person who has deposited and keeps deposited with the Accountant-General of the Supreme Court for and on behalf of the Supreme Court the sum of fifteen thousand pounds, at any time when the vehicle is being driven by the owner or by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.

(5) This Part of this Act shall not extend to invalid carriages within the meaning of Part I of this Act or to tramcars or trolley vehicles the use of which is authorised or regulated by special Act of Parliament or by an order having the force of an Act, unless the special Act or order so provides.

(6) In this section the expression "local authority" means the council of any county, county borough or county district, the common council of the City of London and the council of any metropolitan borough, and includes any joint board or joint committee which is so constituted as to include among its members representatives of any such council.

Requirements in respect of policies.

36.—(1) In order to comply with the requirements of this Part of this Act, a policy of insurance must be a policy which—

(*a*) is issued by a person who is an authorised insurer within the meaning of this Part of this Act; and

Part II. —*cont.*

Amended by the Act of 1934, s. 10.

(*b*) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the vehicle on a road:

Provided that such a policy shall not be required to cover—

(i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or

(ii) except in the case of a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise; or

(iii) any contractual liability.

(2) Where any payment is made by an authorised insurer under a policy issued under this Part of this Act or by the owner of a vehicle in relation to the user of which a security under this Part of this Act is in force, or who has made a deposit under this Part of this Act in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road and the person who has so died or been bodily injured has to the knowledge of the authorised insurer or such owner received treatment in a hospital in respect of the fatal or other bodily injury so arising, there shall also be paid by the authorised insurer or such owner to such hospital the expenses reasonably incurred by the hospital in affording such treatment to an amount not exceeding twenty-five pounds for each person so treated.

For the purposes of this subsection the expression "hospital" means an institution which provides medical or surgical treatment for in-patients, and the expression "expenses reasonably incurred" means, in relation to a

Part II. —*cont.*

person who receives treatment in a hospital, an amount for each day such person is maintained in such hospital representing the average daily cost per patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the patients therein:

Provided that this subsection shall not apply in any case where a charge has been made by the hospital in respect of such treatment.

(3) For the purposes of this Part of this Act, the expression "authorised insurer" means an assurance company or an underwriter in whose case the requirements of the Assurance Companies Act, 1909, as amended by this Act, with respect to deposits by assurance companies and deposits and guarantees by underwriters are complied with.

9 Edw. 7. c. 49.

(4) Notwithstanding anything in any enactment, a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

Guardian Ass.ce v Sutherland 1939 W. N. 122.

(5) A policy shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part of this Act referred to as a "certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

(6) In this Part of this Act the expression "policy of insurance" includes a covering note.

Requirements in respect of securities.

37.—(1) In order to comply with the requirements of this Part of this Act a security must—

(*a*) be given either by an authorised insurer or by some body of persons which carries on in the United Kingdom the business of giving securities of a like kind and which has deposited and keeps deposited with the Accountant-General of the Supreme Court for and on behalf of the Supreme Court the sum of fifteen thousand pounds in respect of that business; and

also S. 203. (1), (2), (3) (a, b) + (4) (a, b, c) of Cos Act, 196

Part II. —*cont.*

(*b*) consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to the amount, in the case of an undertaking relating to the use of public service vehicles, of not less than twenty-five thousand pounds, and, in any other case, of not less than five thousand pounds, any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under the last preceding section which may be incurred by him or them.

(2) A security shall be of no effect for the purposes of this Part of this Act unless and until there is issued by the person giving the security to the person to whom it is given a certificate (in this Part of this Act referred to as a " certificate of security ") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

Certain conditions to policies or securities to be of no effect.

Jones v Birch Bros. 1933 2 K.B. 597.

38. Any condition in a policy or security issued or given for the purposes of this Part of this Act, providing that no liability shall arise under the policy or security or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such claims as are mentioned in paragraph (*b*) of subsection (1) of section thirty-six :

Provided that nothing in this section shall be taken to render void any provision in a policy or security requiring the person insured or secured to repay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

Production of certificate of insurance or certificate of security on application for

39. Provision may be made by regulations under section twelve of the Roads Act, 1920, for requiring a person applying for a licence in respect of a motor vehicle under section thirteen of the Finance Act, 1920, as amended by any subsequent enactment, to produce such evidence as may be prescribed that either—

Part II. —*cont.* motor vehicle licence. 10 & 11 Geo. 5. c. 72. 10 & 11 Geo. 5. c. 18.

(*a*) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission; or

(*b*) the vehicle is a vehicle to which the first section contained in this Part of this Act does not apply at any time when it is being driven by the owner thereof, or by a servant of his in the course of his employment, or is otherwise subject to the control of the owner.

Requirements as to production of certificate of insurance or of security.

40.—(1) Any person driving a motor vehicle on a road shall, on being so required by a police constable, give his name and address and the name and address of the owner of the vehicle and produce his certificate, and if he fails so to do he shall be guilty of an offence:

Provided that, if the driver of a motor vehicle within five days after the date on which the production of his certificate was so required produces the certificate in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection by reason only of failure to produce his certificate to the constable.

(2) If in any case where, owing to the presence of a motor vehicle on a road, an accident occurs involving personal injury to another person, the driver of the vehicle does not at the time produce his certificate to a police constable or to some person who, having reasonable grounds for so doing, has required its production, the driver shall as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, report the accident at a police station or to a police constable and thereupon produce his certificate, and if he fails so to do, he shall be guilty of an offence:

Provided that a person shall not be convicted of an offence under this subsection by reason only of failure to produce his certificate if, within five days after the occurrence of the accident, he produces the certificate in person at such police station as may be specified by him at the time the accident was reported.

PART II. —*cont.*

(3) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of a chief officer of police to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section thirty-five of this Act on any occasion when the driver was required under this section to produce his certificate, and if the owner fails to do so he shall be guilty of an offence.

(4) In this section the expression "produce his certificate" means produce for examination the relevant certificate of insurance or certificate of security or such other evidence that the vehicle is not or was not being driven in contravention of section thirty-five of this Act as may be prescribed.

Regulations for purposes of Part II.

41. The Minister may make regulations for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

(*a*) as to the forms to be used for the purposes of this Part of this Act;

(*b*) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Minister or a chief officer of police;

(*c*) as to the issue of copies of any such certificates or other documents which are lost or destroyed;

(*d*) as to the custody, production, cancellation and surrender of any such certificates or other documents;

(*e*) for providing that any provisions of this Part of this Act shall, in relation to vehicles brought into Great Britain by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed.

Amendment of Assurance Companies Act, 1909.

42.—(1) Section one of the Assurance Companies Act, 1909, shall have effect as if after paragraph (*e*) thereof there were added the following paragraph:—

"(*f*) motor vehicle insurance business, that is to say, the business of effecting contracts of insurance against loss of, or damage to or arising out of or in connection with the use of, motor vehicles, including third party risks."

(2) Where an assurance company within the meaning of the Assurance Companies Act, 1909, carries on motor vehicle insurance business, that Act shall apply with respect to that business in the same way as it applies to accident insurance business subject to the following modifications:—

(*a*) If the company does not also carry on assurance business of some other class, the reference in subsection (1) of section two of that Act to the sum of twenty thousand pounds shall be construed as a reference to the sum of fifteen thousand pounds;

(*b*) If the company also carries on assurance business of some other class, the reference in subsection (4) of the said section two to a sum of twenty thousand pounds shall, as respects the motor vehicle insurance business, be construed as a reference to a sum of fifteen thousand pounds, and, notwithstanding anything in the said Act relieving a company from making a deposit in respect of any class of insurance business where it has made a deposit in respect of any other class of assurance business, the total sum to be deposited under the said subsection (4) shall in no case be less than thirty-five thousand pounds;

(*c*) Sections five and six and paragraphs (*a*), (*b*) and (*c*) of section thirty-two of that Act shall not apply.

Deposits under Part II.

43.—(1) No part of any sum deposited by any person with the Accountant-General of the Supreme Court under section thirty-five or section thirty-seven of this Act shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Part of this Act, which have been incurred by him have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

(2) Any rules made by the Board of Trade under section two of the Assurance Companies Act, 1909, which apply to deposits made by insurers carrying on

Part II. —*cont.*

motor vehicle insurance business shall, with such necessary modifications and adaptations as the Minister, after consultation with the Lord Chancellor, may prescribe, apply to deposits made with the said Accountant-General under the sections aforesaid.

Application to Scotland.

44. This Part of this Act shall apply to Scotland subject to the following modification:—

In section thirty-five the expression "local authority" means any county, town, or district council or any joint committee which is so constituted as to include among its members representatives of any such council.

Part III.

Amendment of Law relating to Highways.

Issue by Minister of directions for guidance of users of roads.

45.—(1) The Minister shall as soon as may be after the commencement of this Act prepare a code (in this section referred to as the "highway code") comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof, shall, as soon as prepared by the Minister, be laid before both Houses of Parliament, and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by both Houses.

(3) Subject to the foregoing provisions of this section, the Minister shall cause the code and every revised edition of the code to be printed and issued to the public at a price not exceeding one penny for each copy.

(4) A failure on the part of any person to observe any provision of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

PART III.—*cont.*

Power to restrict use of vehicles on specified roads.

46.—(1) The Minister may, on the application of a council to which this section applies and after holding, if he thinks fit, a public inquiry, by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the driving of vehicles, or of any specified class or description of vehicles, on any specified road within the area of the council in any case in which he is satisfied that any such vehicles cannot be used, or cannot without restriction be used, on that road without endangering the safety of the vehicles or the persons therein, or of other persons using the road, or that the road is unsuitable for use or for unrestricted use by any such vehicles.

(2) The Minister may on the application of a council to which this section applies or the governing body of any university in the receipt of a grant from public moneys and after holding, if he thinks fit, a public inquiry, make an order for any of the following purposes:—

(*a*) the specification of the routes to be followed by vehicles;

(*b*) the prohibition or restriction of the use of specified roads by vehicles of any specified class or description, either generally or during particular hours;

(*c*) the prohibition of the driving of vehicles on any specified road otherwise than in a specified direction;

(*d*) otherwise in relation to the regulation of traffic.

Provided that no order shall be made under this subsection with respect to any road which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the road.

(3) The Minister may at any time after giving notice to the council on whose application an order under this section, or an order under the corresponding provision of any enactment repealed by this Act, was made and after holding, if he thinks fit a public inquiry, revoke, vary or amend the order.

(4) Where an order is made under this section the council on whose application the order, or the original order, was made shall publish in such manner as may be prescribed notice of the fact that the order has been made and of its effect.

PART III. —*cont.*

(5) The provisions contained in the Second Schedule to this Act shall have effect with respect to applications and inquiries under this section.

(6) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under this section shall be liable in the case of a first conviction to a fine not exceeding five pounds and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(7) No order made under this section shall apply to the driving of any tramcar or trolley vehicle in pursuance of the powers of any special Act of Parliament or order having the force of an Act.

(8) The councils to which this section applies are the councils of counties or county boroughs or of urban districts having a population of over twenty thousand according to the last census for the time being.

(9) In the case of the administrative county of London an application under this section may be made by a highway authority as respects any road vested in them.

Power of highway authority temporarily to prohibit or restrict traffic on roads.

47.—(1) Subject to the provisions of this section, if a highway authority are satisfied that traffic on any road for the maintenance of which they are responsible should, by reason of works of repair or reconstruction being required or being in progress on the road, be restricted or prohibited, they may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as they may consider necessary.

(2) Subject to the provisions of this section, a highway authority shall, not less than seven days before making an order under this section, cause notice of their intention to make the order to be published in one or more newspapers circulating in the district in which the road or part of a road affected by the order is situate, and shall also within a period of seven days after making any such order cause a notice of the making of the order to be published in the like manner.

Every such notice shall contain a statement of the effect of the order and a description of the alternative route or routes available for traffic.

Part III. —*cont*

(3) A highway authority, when considering the question of the making of an order under this section, shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(4) No order made under this section shall, without the approval of the Minister, continue in force for a longer period than three months from the making thereof, and where the Minister gives his approval to an order continuing in force after the expiration of that period, the authority shall give such notice of the Minister's approval as may be directed by him.

(5) So long as any order made under this section is in force, a notice stating the effect of the order, and describing the alternative route or routes available for traffic, shall be kept posted in a conspicuous manner at each end of the part of the road to which the order relates, and at the points at which it will be necessary for vehicles to diverge from the road.

(6) A highway authority may at any time by notice restrict or prohibit temporarily the use of any road or any part of any road by vehicles or by vehicles of any particular class or description where owing to the likelihood of danger to the public or of serious damage to the highway, it appears to them necessary that such restriction or prohibition should come into force without delay.

Any such notice shall describe the alternative route or routes available for traffic, and shall be kept posted in accordance with the provisions of the last preceding subsection, and shall not continue in force for a longer period than seven days from the date thereof; but, where such a notice has been posted, the authority may before the expiration of that period, proceed to make an order under subsection (1) of this section with respect to the same road or part of a road without causing notice of their intention to make such order to be published in any newspaper.

(7) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be liable in the case of a first conviction to a fine not exceeding five pounds and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

Part III. —*cont.*

(8) Any person aggrieved by any restriction or prohibition imposed under this section may appeal to the Minister who may either quash the restriction or prohibition or confirm it with or without modifications, and the Minister's decision shall be final and conclusive.

(9) No restriction or prohibition imposed under this section shall apply to the driving of any tramcar or trolley vehicle in pursuance of the powers of any special Act of Parliament or order having the force of an Act.

Erection of notice boards, &c.

48.—(1) Subject to and in conformity with such general or other directions as may be given by the Minister a highway authority may cause or permit traffic signs to be placed on or near any road in their area:

(2) Traffic signs shall be of the prescribed size, colour, and type except where the Minister authorises the erection of a sign of another character.

(3) After the commencement of this Act no traffic signs shall be placed on or near any road except under and in accordance with the preceding provisions of this section:

Provided that nothing in this subsection shall apply to any notice in respect of the use of a bridge or to any traffic sign placed by the owners or workers of any tramway, light railway, or trolley vehicle undertaking, any dock undertaking or any harbour undertaking in pursuance of powers conferred by any special Act of Parliament or order having the force of an Act.

(4) The highway authority shall by notice in writing require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such a notice the highway authority may themselves effect the removal, doing as little damage as may be, and may recover summarily as a civil debt from the person so in default the expense incurred by them in so doing:

Provided that the provisions of this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorised by the highway authority.

(5) A highway authority shall, if so directed by the Minister, remove or cause to be removed any traffic sign

or any such object as is mentioned in subsection (4) of this section.

(6) A bridge authority shall, if so directed by the Minister, remove, or cause to be removed, any notice in respect of the use of a bridge placed under any Act or Order repealed by this Act, or by any Order under this Act.

(7) If a highway or bridge authority fails to comply with any direction, given under either of the preceding subsections, the Minister may himself effect the removal, and may recover summarily as a civil debt from the authority the expenses incurred by him in so doing.

(8) A highway or bridge authority and the Minister may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of their powers and duties under this section.

(9) In this Part of this Act, the expression "traffic sign," includes all signals, warning sign posts, direction posts, signs, or other devices for the guidance or direction of persons using roads; and in this section the expression "highway authority" includes any person responsible for the maintenance of a road.

Penalties for neglect of traffic directions.

49. Where a police constable is for the time being engaged in the regulation of traffic in a road, or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed on or near any road in accordance with the provisions of the last preceding section, any person driving or propelling any vehicle who—

(*a*) neglects or refuses to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed so to do by the police constable in the execution of his duty; or

(*b*) fails to conform to the indication given by the sign, shall be guilty of an offence.

Leaving vehicles in dangerous positions.

50. If any person in charge of a vehicle causes or permits the vehicle or any trailer drawn thereby to remain at rest on any road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence.

Part III. —*cont.*

Provisions with respect to stretching of ropes, &c., across highways.

51. Any person who for any purpose places or causes to be placed any rope, wire or other apparatus across a highway or any part thereof in such a manner as to be likely to cause danger to persons using the highway shall, unless he proves that he had taken all necessary means to give adequate warning of the danger, be guilty of an offence.

Exemption of agricultural machines from 5 & 6 Will. 4. c. 50. s. 70.

52. The restrictions contained in section seventy of the Highways Act, 1835, on the erection of machines and machinery within twenty-five yards of a highway shall not apply so as to prohibit any machines or mechanically propelled vehicles from being used for purposes connected with agriculture, forestry, building operations, or the repair, maintenance or construction of roads.

Provisions with respect to the transfer of toll bridges and toll roads to local authorities.

53.—(1) Where a person is, under any special Act or charter, authorised to charge tolls in respect of the use of any bridge or road, the council of the county, county borough, or urban district within whose area the bridge or road is situate—

(*a*) may agree with that person that he shall, upon such terms as may be agreed, transfer to them; or

(*b*) subject to the provisions of this section, may by written notice to treat require that person to transfer to them

either all his property, rights, and obligations under the special Act or charter (being property, rights or obligations connected with the bridge or road, or such of them as may be specified in the agreement, or, as the case may be, the notice to treat.

(2) Upon the making of a transfer under the preceding subsection—

(*a*) the bridge or road shall—

(i) in the case of a transfer to a county council become vested in and repairable by the council as a county bridge or a county road; and

(ii) in the case of a transfer to any other council become vested in and repairable by the council as an ordinary bridge or an ordinary road,

and the provisions of all general enactments relating to bridges and roads shall become applicable to it accordingly;

Part III. —*cont.*

(*b*) the right to take tolls and any other property, right, or obligation transferred shall vest in and be imposed upon and exercisable by the council, but a right to take tolls so transferred shall continue to be exercisable for such number of years only as may be allowed by the Minister in the particular case.

(3) The consideration to be paid to any person for a compulsory transfer under this section shall, in default of agreement, be determined by an official arbitrator in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and subject to any agreement with respect to the date of transfer the person upon whom a notice to treat has been served under this section shall upon payment to him of the consideration determined in the manner aforesaid transfer to the council all such property, rights, obligations and liabilities vested in or imposed upon him as are required by the notice to treat to be so transferred.

9 & 10 Geo. 5. c. 57.

(4) The payment of the consideration for a transfer under this section shall be a purpose for which a council may borrow under the enactments applicable to the council as a highway authority.

(5) A council in whose area part only of a bridge or road is situate shall have in relation to that bridge or road the same powers as they would have had under subsection (1) of this section if the bridge or road had been wholly situate within their area, but shall not exercise those powers except in pursuance of an agreement made under the next succeeding subsection.

(6) Any two or more councils having under either subsection (1) or subsection (5) of this section powers in relation to any bridge or road may, subject to the approval of the Minister, enter into agreements with respect to the exercise of those powers by one council on behalf of the other or others of them and with respect to the making of contributions by any of them towards the expenses of any action so taken, and where those powers are exercised in pursuance of any such agreement, the transfer of the bridge or road and any other property, rights and obligations to be transferred, shall be made to such council or councils as may be provided by the agreement.

Part III. —*cont.*

(7) The provisions of this section with respect to compulsory transfers shall not apply in relation to any bridge or road vested in a statutory dock authority as such or in a statutory harbour authority as such nor in relation to the property in the structure of any bridge vested in a railway company.

Provisions as to extraordinary traffic.

54.—(1) Where as respects any road it appears to the highway authority by a certificate of their surveyor that having regard to the average expense of repairing the road or other similar roads in the neighbourhood extraordinary expenses have been incurred by the authority in repairing the road by reason of the damage caused by excessive weight passing along the road, or other extraordinary traffic thereon, the highway authority may recover from any person (hereinafter referred to as "the undertaker") by or in consequence of whose order the traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by the highway authority by reason of the damage arising from the extraordinary traffic:

Provided that, if before traffic which may cause such damage commences the undertaker admits liability in respect of such traffic, the undertaker and the highway authority may agree for the payment by the undertaker to the highway authority of a sum by way of a composition of such liability, or either party may require that the sum to be so paid shall be determined by arbitration; and where a sum has been so agreed or determined as aforesaid the undertaker shall be liable to pay that sum to the highway authority, and shall not be liable to proceedings for the recovery of such expenses as aforesaid.

(2) The sums recoverable under this section shall be recoverable in the High Court, or if the claim does not exceed five hundred pounds, in the county court in the district of which the road or any part thereof is situate:

Provided that proceedings for the recovery of any such sums shall be commenced within twelve months of the time at which the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months after completion of the contract or work.

(3) This section shall not apply to the administrative county of London.

Part III. —*cont.*

Power of certain authorities as to refuges and subways

55. The council of an urban district as respects any road in their area (subject, however, in the case of a county road not vested in them, to the consent of the county council) and a highway authority as respects any road vested in them may, for the purpose of protecting traffic along the road from danger or of making the crossing of any road less dangerous to foot passengers, erect, light, maintain, alter and remove places of refuge in the road, and construct, light, maintain, alter, remove and temporarily close subways under the road for the use of foot passengers.

Power to remove structures from highways.

56.—(1) Where any structure has been erected or set up on a highway otherwise than under or in pursuance of any enactment the highway authority may by notice in writing require the person having control or possession of the structure to remove it within such time as may be specified in the notice.

(2) Any person on whom any notice is served under this section may, within one month of the service of the notice, appeal to the Minister, and if it is shown to the satisfaction of the Minister that the removal of the structure within the time specified in the notice would cause undue hardship to any person, the Minister may extend the time by such period as he thinks just.

(3) If any structure in respect of which a notice has been served under this section is not removed within the time specified in the notice, the highway authority may themselves remove the structure and recover the expense of so doing summarily as a civil debt from the person having the control or possession of the structure:

Provided that the power of the highway authority under this subsection shall not be exercised until the expiration of one month after the date of the service of the notice or, if an appeal has been made to the Minister against the notice, until after the appeal has been determined.

(4) A notice under this section may be served either personally or by post.

Part III. —*cont.*

(5) In this section the expression "structure" includes any machine, pump post or other object of such a nature as to be capable of causing obstruction.

Advances from road fund.

9 Edw. 7. c. 47.

57.—(1) It is hereby declared that in relation to any roads for the maintenance of which he is responsible, the Minister is a highway authority for the purposes of Part II of the Development and Road Improvement Funds Act, 1909, and, accordingly, advances out of the Road Fund may be made to the Minister in his capacity of highway authority.

(2) The expression "improvement of roads" in the said Part II shall include the following works, that is to say, the erection, lighting, maintenance, alteration and removal of places of refuge in roads, and the construction, lighting, maintenance, alteration, and removal of subways under roads for the use of foot passengers, and advances may be made out of the Road Fund towards the costs incurred by the council of an urban district in connection with the execution of any such works in a county road.

(3) Advances may be made out of the Road Fund towards the expenses incurred by any highway authority in the erection of weighbridges or other machines for weighing vehicles, or towards any sum paid by a highway authority to a person in consideration of his allowing a weighbridge or other weighing machine to be used for weighing motor vehicles or trailers.

(4) Advances may be made out of the Road Fund towards any expenses incurred by a police authority in the provision and maintenance of vehicles or equipment for use by the police force in connection with the enforcement of this Act.

(5) The provisions of the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment, shall apply in relation to advances made under subsections (3) and (4) of this section as they apply in relation to advances to a highway authority under Part II of the said Act.

Provision of footpaths and grass or other margins.

58. It is hereby declared to be the duty of a highway authority to provide wherever they shall deem it necessary or desirable for the safety or accommodation of foot passengers proper and sufficient footpaths by the side of roads under their control, and to provide wherever they shall deem it necessary or desirable for the safety or accommodation of ridden horses and driven livestock adequate grass or other margins by the side of the roads under their control.

Part III.—*cont.*

Regulations.

59.—(1) The Minister may make regulations—

(*a*) for prescribing anything which under this Part of this Act may be prescribed, and for regulating the number, nature and use of brakes, including skid pans and locking chains, in the case of vehicles drawn by horses or other animals, or any class or description of such vehicles, when used on roads, and for securing that such brakes shall be efficient and kept in proper working order and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere; and

(*b*) for prescribing the appliances to be fitted to bicycles or tricycles, not being motor vehicles, for signalling their approach when used on roads and for securing that the riders of such vehicles shall by means of such appliances as aforesaid give audible and sufficient warning of their approach; and

(*c*) for making provision for the removal from roads of vehicles which have broken down and of the loads carried thereby or of vehicles which have been left in a dangerous position on a road.

(2) Regulations under this section may provide for repealing any byelaws dealing with the same subject matter as the regulations, and for suspending whilst the regulations remain in force any power of making any such byelaws.

Application to Scotland.

60. This Part of this Act shall apply to Scotland subject to the following modifications:—

(*a*) Subsection (1) of section forty-six of this Act shall apply to a county council and to the town

Part III. —*cont.*

council of a large burgh, as defined in the Local Government (Scotland) Act, 1929:

19 & 20 Geo. 5. c. 25.

(*b*) Subsection (2) of section forty-six of this Act shall apply to a county council:

(*c*) In lieu of the provisions of subsection (2) of section fifty-four of this Act, other than the proviso thereto, the following provision shall have effect—

> Any sums recoverable under this section shall be recoverable if not exceeding fifty pounds before the sheriff, whose decision shall be final, and, if exceeding that sum, either before the sheriff subject to an appeal to the Court of Session, or in the Court of Session:

5 & 6 Will. 4. c. 50.

(*d*) For the reference to the restrictions contained in section seventy of the Highways Act, 1835, there shall be substituted a reference to the restrictions on the erection of steam engines within one hundred yards of a highway contained in section one hundred and seven of the Act First and Second William the Fourth, Chapter forty-three, as incorporated with and extended and applied by the Roads and Bridges (Scotland) Act, 1878:

41 & 42 Vict. c. 51.

(*e*) Section fifty-three of this Act shall have effect as if for any reference to the council of a county borough or urban district there were substituted a reference to the town council of a burgh charged with the maintenance and management of any of the highways therein, and as if paragraph (*a*) of subsection (2) were omitted therefrom, and on any transfer under the said section of a road or bridge to a county or town council the road or bridge shall become vested in and maintainable by such council as a highway, and the provisions of all general enactments relating to highways shall become applicable accordingly;

11 Geo. 3. c. 53.

(*f*) The Highways (Scotland) Act, 1771, is hereby repealed.

PART IV.

REGULATION OF PUBLIC SERVICE VEHICLES.

Classification of Public Service Vehicles.

Application of Part IV and classification of public service vehicles.

61.—(1) Public service vehicles shall, for the purposes of this Part of this Act and the regulations made thereunder, be divided into the following classes:—

(*a*) Stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (any or all of which are less than one shilling for a single journey or such greater sum as may be prescribed), stage by stage, and stopping to pick up or set down passengers along the line of route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages as hereinafter defined:

(*b*) Express carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (none of which is less than one shilling for a single journey or such greater sum as may be prescribed) and for a journey or journeys from one or more points specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers other than those paying the appropriate fares for the journey or journeys in question:

(*c*) Contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum:

Provided that a motor vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that on occasions of race meetings, public gatherings and other like special occasions it is used to carry passengers at separate fares.

(2) It is hereby declared that where persons are carried in a motor vehicle for any journey in consideration of separate payments made by them, whether to the owner of the vehicle or to any other person, the vehicle in

PART IV. —*cont.*

which they are carried shall be deemed to be a vehicle carrying passengers for hire or reward at separate fares, whether the payments are solely in respect of the journey or not:

Provided that a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.

Repealed by the Act of 1931 s.1

(3) Where a person uses or allows to be used without reward for carrying eight or more persons as passengers any motor vehicle ordinarily used for the purposes of agriculture, trade or business, then, except where the persons so carried are workpeople being carried in the course of or to or from their employment, the vehicle shall for the purposes of this Part of this Act be treated as if it was a contract carriage, and the provisions of this Part of this Act and the regulations made thereunder shall apply accordingly.

Traffic Areas and Traffic Commissioners.

Constitution of traffic areas.

62.—(1) For the purposes of this Part of this Act England and Scotland shall be divided into the traffic areas specified respectively in the first column of Part I and Part II of the Third Schedule to this Act, and those traffic areas shall consist of the several areas respectively specified in the second column of that Schedule.

(2) The Minister may from time to time by order vary the provisions of the said Third Schedule, either by altering the limits of any existing traffic area or by increasing or reducing the number of traffic areas or otherwise as he may think fit.

(3) Every order made under this section shall be laid before both Houses of Parliament forthwith, but shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which the House has sat, and, if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.

(4) Any order made under this section may be revoked or altered by a subsequent order.

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Traffic commissioners.

63.—(1) For each traffic area there shall be a body of three commissioners who shall have the power and be charged with the duty of issuing licences under this Part of this Act and shall exercise such other powers and perform such other duties as are conferred or imposed on them by or in pursuance of this Act, and subject as aforesaid shall act under the general directions of the Minister.

(2) The commissioners for any traffic area shall be appointed by the Minister in manner provided by this section, and in this Part of this Act the expression "the commissioners" means the traffic commissioners for any traffic area.

Where the Minister proposes to appoint a person to be traffic commissioner for any traffic area he shall, before making the appointment, require the person whom he proposes to appoint to declare whether he has any, and if so what, financial interest in any transport undertaking which carries passengers.

(3) One of the commissioners shall be appointed by the Minister from a panel of persons nominated by the councils of the counties whose area, or any part of whose area, is situated in the traffic area, another of the commissioners shall be appointed by the Minister from a panel of persons nominated by the councils of the county boroughs and urban districts whose area, or any part of whose area, is situated in the traffic area, and the other commissioner shall be such person as the Minister thinks fit to appoint to be chairman of the commissioners.

(4) For the purpose of constituting the panels mentioned in the last foregoing subsection, each of the councils concerned shall nominate one person annually as a member of the panel, and a person so nominated shall continue to be a member of the panel for one year from the date of his nomination, but shall be eligible for re-nomination from time to time.

(5) The chairman of the commissioners, who shall be required to devote the whole of his time to the duties of his office, shall hold office for such term not exceeding seven years as the Minister may determine at the time of his appointment, and shall be eligible for reappointment from time to time on the expiration of his term of office.

Part IV. —*cont.*

(6) A commissioner, other than the chairman, shall hold office for such term not exceeding three years as the Minister may determine at the time of his appointment, and shall, if at the date at which his term of office expires his name is still included in the panel from which he was appointed, be eligible for reappointment.

(7) In the case of illness, incapacity or absence of the chairman, the Minister may appoint such person as he thinks fit to act as deputy to the chairman, and in the case of illness, incapacity or absence of either of the other commissioners, the Minister may appoint some other person, being a person whose name is included in the panel from which that commissioner was appointed to act as deputy for that commissioner.

(8) Subject to the approval of the Treasury, the Minister may appoint such persons to act as officers and servants of the commissioners as he considers requisite for the purpose of enabling them to discharge their duties under this Part of this Act.

(9) The Minister may by regulation make provision as to the dates on which nominations to panels are to be made and as to the filling of casual vacancies.

(10) If any person being a commissioner for any traffic area acquires any financial interest in any transport undertaking which carries passengers he shall within four weeks after so doing give notice thereof in writing to the Minister specifying the interest so acquired, and the Minister after taking the matter into consideration may, if he thinks fit, declare that the commissioner has vacated his office.

(11) The Minister may remove any commissioner from his office for inability or misbehaviour.

(12) A person shall be disqualified from being appointed or being a commissioner so long as he is a member of the Commons House of Parliament.

Procedure of traffic commissioners.

64.—(1) The commissioners shall, for the purpose of hearing and determining applications for the grant and backing of road service licences, and may for any other purpose, if they so think fit, hold public sittings at such places in any part of their area as appears to them convenient.

(2) Not less than two commissioners shall be present at the hearing of any application, and if where an application is heard by two commissioners only there is a

difference of opinion between them, the matter shall be reheard and determined by all the commissioners.

(3) The commissioners may delegate to any one of their members any of their functions other than those requiring to be discharged at a public sitting or that of advising the Minister on any order made by a local authority under this Part of this Act.

Traffic commissioners to make annual report to Minister.

65. The commissioners shall make an annual report to the Minister on their proceedings containing particulars with respect to such matters as the Minister may direct.

Information to be given to commissioners as to licences issued before commencement of Act.

66. It shall be the duty of a local authority to produce to the commissioners all registers kept by the local authority relating to the grant or refusal by them before the commencement of this Act of licences to ply for hire, and to furnish to the commissioners such other information relating to the matters aforesaid as the commissioners may require for the purpose of carrying out their duties under this Act.

Public Service Vehicle Licences.

Public service vehicle licences.

67.—(1) No person shall cause or permit a motor vehicle to be used on any road as a stage carriage an express carriage or a contract carriage unless he is the holder of a licence (in this Act referred to as "a public service vehicle licence") to use it as a vehicle of that class in accordance with the provisions of this Part of this Act:

Provided that—

(*a*) a person who is the holder of a licence to use a vehicle as a stage carriage may use it as a contract carriage or, subject to any condition attached to his road service licence, as an express carriage, and a person who is the holder of a licence to use a vehicle as an express carriage may use it as a contract carriage; and

(*b*) in the case of a service of stage carriages, a vehicle licensed as an express carriage may be used on the service if the commissioners of each of the traffic areas in which the vehicle is to be so used think that it may in any special circumstances, including the character of the service, properly be so used and consent in writing thereto.

Part IV. —*cont.*

(2) A public service vehicle licence may be refused or, if it has already been granted, may at any time be suspended or revoked by the commissioners by whom it was granted if, having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used, it appears to them that he is not a fit person to hold such a licence.

(3) If any person causes or permits a vehicle to be used in contravention of this section, he shall be guilty of an offence.

Certificates of fitness of vehicles.

68.—(1) Subject to the provisions of this section relating to vehicles in respect of which a licence to ply for hire has been granted before the commencement of this Act, a licence to use a vehicle adapted to carry eight or more passengers as a stage carriage, express carriage or contract carriage shall not be granted unless a certificate (hereinafter referred to as a certificate of fitness) has been issued by a certifying officer that the prescribed conditions as to fitness are fulfilled in respect of the vehicle and such a certificate is in force in respect of the vehicle:

Provided that the Minister may by regulations extend the provisions of this subsection to stage carriages and express carriages adapted to carry seven passengers or any smaller number of passengers specified in the regulations.

(2) A public service vehicle licence of any class shall not be refused on the ground that the construction or fixed equipment of the vehicle is not suitable if a certificate of fitness as a vehicle of that class has been issued and is in force with respect to the vehicle:

Provided that, if the commissioners are satisfied that the structure of the vehicle or the fixed equipment thereof has become defective or has been so altered as no longer to comply with the prescribed conditions as to fitness, they may refuse to grant a public service vehicle licence until a new certificate of fitness has been obtained.

(3) A certificate of fitness shall, unless previously revoked or cancelled, continue in force for five years, or, if the certifying officer thinks fit, for such shorter period, not being less than one year, as may be specified in the certificate.

Part IV. —*cont.*

(4) The Minister may at any time revoke a certificate of fitness, and if on the inspection of a public service vehicle it appears to the certifying officer that the vehicle does not comply with the prescribed conditions as to fitness, that officer may revoke the certificate of fitness, and where by reason of the revocation of a certificate of fitness or otherwise a vehicle ceases to be a vehicle in respect of which a certificate of fitness is in force, any licence granted in respect of that vehicle shall cease to have effect unless or until a new certificate of fitness is obtained.

(5) Where the Minister is satisfied in respect of one vehicle of a particular type that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, he may, on payment of the prescribed fee, approve the vehicle as a type vehicle, and where a type vehicle has been so approved and a declaration in the prescribed form has been made by a person authorised by the Minister in that behalf that any other vehicle conforms in design, construction and equipment with the type vehicle, the certifying officer may, after examining such other vehicle, issue a certificate in the prescribed form that the vehicle conforms to the type vehicle, and such a certificate shall for the purposes of this Part of this Act be deemed to be a certificate of fitness and shall have effect accordingly.

The Minister may at any time withdraw his approval of any type vehicle, and thereupon any certificate that any other vehicle conforms to that type vehicle shall cease to have effect as a certificate of fitness.

(6) With a view to spreading the certification of vehicles over a term of years the commissioners may during the first four years after the commencement of this Act grant public service vehicle licences in respect of such vehicles, being vehicles in respect of which licences to ply for hire were granted before the commencement of this Act, as they think fit, notwithstanding that the provisions of subsection (1) of this section have not been complied with, and the Minister may by order provide that as and when the said subsection becomes applicable to any such vehicle, the requirements of the regulations prescribing the conditions as to fitness shall be relaxed in relation to that vehicle to such extent as may be specified in the order.

Part IV. —*cont.*

Certifying officers and public service vehicle examiners.

69.—(1) For the purpose of the provisions of this Part of this Act with respect to the certification of fitness of vehicles, the Minister may, with the approval of the Treasury, appoint such officers (in this Part of this Act referred to as certifying officers) as he thinks fit, and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of fitness and otherwise, as the Minister may require.

(2) The Minister shall appoint as public service vehicle examiners, such persons as he considers necessary for the purpose of the inspection of public service vehicles within the several traffic areas and for the purpose of the discharge of such other duties as the Minister considers can conveniently be discharged by persons acting as such examiners, and for that purpose may, with the concurrence of the Secretary of State, make arrangements with any police authority for the appointment of members of their police force for this purpose.

(3) Any certifying officer or public service vehicle examiner shall at any time on production, if so required, of his authority, be entitled to enter and inspect any public service vehicle, and for that purpose may require any public service vehicle to be stopped, and may at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that a public service vehicle is kept, and if any person obstructs any such officer or examiner in the performance of his duty, or when required so to do fails to stop the vehicle, he shall be guilty of an offence.

Notice to be given to commissioners of failure in, damage to, or alteration of vehicles.

70.—(1) It shall be the duty of the holder of a public service vehicle licence on the happening to the vehicle in respect of which the licence was granted of any failure or damage of a nature calculated to affect the safety of the passengers or of persons using the road, as soon as may be to report the matter to the commissioners for the traffic area in which the failure or damage happened.

(2) It shall be the duty of the holder of a public service vehicle licence on any alteration otherwise than by way of replacement of parts being made in the structure or fixed equipment of the vehicle forthwith to give notice of the alteration to the commissioners for the traffic area in which the licence was issued.

(3) If any person fails to comply with the provisions of this section, he shall be guilty of an offence.

Suspension of vehicle licences for defects.

71.—(1) If on the inspection of a public service vehicle it appears to a certifying officer or public service vehicle examiner that the vehicle, owing to any defects therein, is or is likely to become unfit for service until the defects have been remedied, he may suspend the public service vehicle licence in respect of the vehicle:

Provided that, where in the opinion of the officer or examiner the defects are such as can be remedied within forty-eight hours, and are not defects which involve danger to the public, the suspension shall not operate before the expiration of forty-eight hours, nor shall it operate after the expiration of that time if the licensee before the expiration of that time furnishes evidence to the satisfaction of the officer or examiner that the defects have been or are in the course of being remedied.

(2) Where a certifying officer or public service vehicle examiner suspends a licence under this section, he shall forthwith give notice of the suspension to the commissioners who granted the licence, and to the licensee, and a suspension under this section which becomes operative shall continue in force until it is removed or ceases in accordance with the provisions hereinafter contained.

(3) Where a licence has been suspended under this section, the suspension may be removed by any certifying officer or public service vehicle examiner and where any such officer or examiner removes any suspension of a licence, he shall forthwith give notice of the removal to the commissioners by whom the licence was granted.

(4) Where a public service vehicle examiner for any traffic area refuses to remove the suspension of a public service vehicle licence, the holder of the licence may make an application to the commissioners of that area to have the vehicle inspected by the certifying officer for that area, and where any such application is made, a certifying officer, on the matter being referred to him, shall, if he considers that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, remove the suspension.

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Road Service Licences.

Road service licences.

72.—(1) Subject to the provisions of this section the commissioners may grant to any person applying therefor a licence (in this Act referred to as a "road service licence") to provide such a road service as may be specified therein, and a vehicle shall not be used as a stage carriage or an express carriage except under such a licence.

(2) For the purposes of this section a vehicle used as a stage carriage, or as an express carriage, shall not be deemed to be so used under a road service licence unless it is so used by the holder of the licence and in accordance with the provisions thereof.

(3) The commissioners shall not grant a road service licence in respect of any route if it appears to them from the particulars furnished in pursuance of subsection (5) of this section that the provisions of Part I of this Act relating to the speed of motor vehicles are likely to be contravened, and in exercising their discretion to grant or to refuse a road service licence in respect of any routes and their discretion to attach conditions to any such licence shall have regard to the following matters :—

(*a*) the suitability of the routes on which a service may be provided under the licence;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services), and the co-ordination of all forms of passenger transport, including transport by rail;

and take into consideration any representations which may be made by persons who are already providing transport facilities along or near to the routes or any part thereof or by any local authority in whose area any of the routes or any part of any of the routes is situate.

(4) Subject to the provisions of this section and to any regulations made by the Minister, the commissioners

may attach to a road service licence such conditions as they may think fit with respect to the matters to which they are required to have regard under the preceding subsection, and in particular for securing that—

(*a*) the fares shall not be unreasonable;

(*b*) where desirable in the public interest the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the route or any part thereof, or in proximity thereto;

(*c*) copies of the time-table and fare-table shall be carried and be available for inspection in vehicles used on the service;

(*d*) passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;

and generally for securing the safety and convenience of the public; and the commissioners may from time to time vary in such manner as they think fit the conditions attached to a road service licence.

(5) Every person applying for a road service licence shall submit to the commissioners—

(*a*) particulars of the type or types of vehicle to be used; and

(*b*) in the case of regular services, the time-tables and fare-tables of the services which it is proposed to provide under the licence; and

(*c*) in any other case, such particulars as to the frequency of the services and the times to be taken on the journeys included in those services as the commissioners may require.

(6) If where an application has been made for a road service licence it is represented to the commissioners by any person interested in or affected by the application that it is necessary or desirable in the public interest that the commissioners should fix the minimum or maximum fares for any service which the applicant proposes to provide under the licence, the commissioners may, subject to the provisions of this section fix such fares and make it a condition of the licence that fares shall not be charged under or in excess of the minimum or maximum:

PART IV. —*cont.*

(7) In any case where provision is made by any Act for the fixing of fares or maximum fares in respect of any service or stage of any service, nothing in this section shall be taken to authorise the commissioners to fix maximum fares in respect of that service or stage, or to fix a minimum fare for any stage in excess of any fare or maximum fare for the time being fixed for that stage under any such Act.

(8) A road service licence in respect of any route shall be required notwithstanding that the provision of a service of stage carriages or express carriages is authorised under Part V of this Act or by a special Act or an order having the force of an Act.

(9) The commissioners, on granting a road service licence, shall send notice thereof, including particulars of the services to be provided thereunder, to every chief officer of police and every local authority in whose district or area any such service is to be provided.

(10) If any person uses a vehicle or causes or permits it to be used in contravention of this section, or being the holder of a road service licence wilfully or negligently fails to comply with any of the conditions attached to that licence, he shall be guilty of an offence:

Provided that failure in any case to comply with any such conditions shall not be an offence if the alleged offender proves that the commissioners for the traffic area in which the offence is alleged to have been committed had dispensed with compliance in that case.

(11) In this section the expression "local authority" means the council of any county, county borough, or county district.

Validity of licences in other areas and backing of licences.

73.—(1) A road service licence granted by the commissioners of any traffic area shall not be valid in any other traffic area through which the route to be followed runs, but a road service licence granted by the commissioners of one traffic area may be backed in the prescribed manner by the commissioners of another traffic area, and if so backed, shall in the area of the commissioners by whom the licence is backed have effect as if it were a road service licence granted by them.

(2) The commissioners of any traffic area, on backing a road service licence, may as respects their area impose any condition which they might have imposed on granting the licence, or vary any condition attached to the licence

by the commissioners by whom the licence was granted, and all the provisions of this Part of this Act as to applications for road service licences and the granting, refusal, suspension or revocation of such licences and matters connected therewith shall apply to the backing of road service licences, subject to the modification that references in the said provisions to the commissioners by whom the licence was granted shall be construed as references to the commissioners by whom the licence was backed.

(3) Save as aforesaid, any licence issued under this Part of this Act by the commissioners of any traffic area shall be valid in every other traffic area.

Power to revoke or suspend licences for non-compliance with conditions.

74.—(1) A road service licence may be revoked or suspended by the commissioners who granted the licence on the ground that any condition subject to which the licence was granted has not been complied with:

Provided that the commissioners shall not revoke such a licence unless, owing to the frequency of the breach of conditions on the part of the licensee, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the commissioners are satisfied that the licence should be revoked or suspended.

(2) The commissioners, on revoking or suspending a road service licence, shall send notice thereof to every chief officer of police and to every local authority in whose district or area the service to which such licence relates was provided.

Returns to be made by persons operating public service vehicles.

75.—(1) It shall be the duty of any person carrying on the business of operating public service vehicles to keep such accounts and records in relation thereto and to make to the Minister such financial and statistical returns, and in such manner and at such times, as the Minister may from time to time require.

(2) If any person fails to comply with the provisions of this section, he shall be liable to a fine not exceeding twenty pounds, and in the case of a continuing offence to a fine not exceeding five pounds for every day during which the offence continues.

Licence holders to supply par-

76.—(1) It shall be the duty of every person who applies for or holds any road service licence to supply

Part IV. —*cont.*

ticulars of arrangements with other persons as to provision of passenger transport facilities.

to the commissioners within the prescribed time particulars in the prescribed form—

(*a*) of any agreement or arrangement, affecting in any material respect the provision within the area of the commissioners of passenger transport facilities entered into by him with any other person by whom such facilities are provided, whether within or without the area;

(*b*) of any financial interest (whether as a partner or shareholder or as a result of any loan, guarantee, or other financial transaction) which any other person providing passenger transport facilities or controlling (either wholly or in conjunction with any other person) the business of any person who provides such facilities has in the business of the applicant or holder of the licence, and in the case of the applicant or holder who is a company of any right which any such person as aforesaid has to nominate any director of the company;

(*c*) of any such interest or right as aforesaid which the applicant or holder has in the business of any other person who provides passenger transport facilities within the area of the commissioners.

(2) If any person refuses or fails to supply within the prescribed time any particulars which he is required to supply under this section, or knowingly supplies any particulars which are false in any respect, he shall be liable to a fine not exceeding twenty pounds, and in the case of a continuing offence, to a fine not exceeding five pounds for every day during which the offence continues.

Drivers' and Conductors' Licences.

Drivers' and conductors' licences.

77.—(1) A person shall not drive or act as conductor of a public service vehicle on a road unless he is licensed for the purpose under this Part of this Act, and a person shall not employ any person who is not so licensed to drive or act as conductor of a public service vehicle on a road.

(2) A person shall be disqualified for obtaining a licence to drive or act as conductor of a public service

vehicle unless he is, in the case of a licence to drive, over the age of twenty-one, and in the case of a licence to act as conductor, over the age of eighteen, and fulfils such other conditions as may be prescribed:

Provided that the above-mentioned limits of age shall be dispensed with if the applicant shows to the satisfaction of the commissioners that he was during the six months immediately preceding the first day of January, nineteen hundred and thirty, regularly employed as a driver or conductor, as the case may be, of a public service vehicle.

(3) A licence to drive a public service vehicle may be limited to such type or types of vehicles as may be specified in the licence.

(4) A licence to drive or act as conductor of a public service vehicle may at any time be suspended or revoked by the commissioners by whom it was granted upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence.

(5) If a person acts in contravention of this section he shall be guilty of an offence.

General Provisions as to Licences.

Commissioners to whom applications for licences to be made.

78.—(1) An application for a public service vehicle licence shall be made to the commissioners for the traffic area within or from which the vehicle is intended to be ordinarily operated.

(2) An application for a road service licence shall be made to any commissioners within whose area the proposed route or any part thereof is situate.

(3) An application for a licence to act as driver or conductor of a public service vehicle shall be made to the commissioners for the traffic area in which the applicant resides.

Procedure on applications for licences, &c.

79. Subject to the provisions of this Part of this Act, the Minister may make regulations as to the procedure on applications for and the determination of questions in connection with the grant, suspension and revocation of licences by commissioners, and the surrender of licences, and those regulations may make provision as to the particulars to be furnished and the

Part IV. —*cont.*

persons to whom notices are to be given, the manner in which notices are to be published or served, and as to the manner in which objections may be made.

Duration of licences.

80.—(1) A licence under this Part of this Act, not being a road service licence, shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect.

(2) The Minister may prescribe to the dates in the year on which road service licences shall expire and a road service licence shall, unless previously revoked, continue in force up till and including that one of the prescribed dates which occurs next before the expiration of one year from the date on which the licence is expressed to take effect or by till and including such earlier date, being one of the prescribed dates, as the commissioners may at the time of the granting of the licence for special reasons determine:

Provided that, if on the date of the expiration of a licence proceedings are pending before the commissioners of any traffic area on an application for the grant of a new road service licence in substitution for an existing road service licence held by the applicant or for the backing of any such new licence the existing road service licence and any backings thereon shall continue in force until the application is disposed of.

(3) Nothing in this section shall prevent the attachment to a road service licence of a condition that the service shall be limited to one or more particular periods or occasions.

(4) Where a licence under this Part of this Act is suspended under the provisions of this Part of this Act, it shall during the time of suspension be of no effect.

Appeals to the Minister in connection with public service vehicle licences, road service licences and certificates of fitness.

81.—(1) Any person who—

(*a*) being an applicant for the grant of a public service vehicle licence or road service licence, is aggrieved by the refusal or failure of the commissioners to grant the licence, or with any condition imposed by the commissioners; or

(*b*) being a local authority which, or a person providing transport facilities who, has opposed the grant of a road service licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or (*c*) being the holder of a public service vehicle licence or road service licence, is aggrieved at the revocation or suspension thereof, by the commissioners or by any variation of the conditions attached thereto; or

(*d*) being the holder of a public service vehicle licence, is aggrieved by the refusal of a certifying officer to remove the suspension thereof; or

(*e*) being an applicant for or the holder of a certificate of fitness, is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration proposed by the certifying officer or by the revocation of a certificate;

may within the prescribed time and in the prescribed manner appeal to the Minister.

(2) On any such appeal, the Minister shall have power to make such order as he thinks fit (including an order revoking a licence), and any such order shall be binding upon the commissioners or certifying officer.

(3) Where a person who has applied for a new licence in substitution for a licence held by him and in force at the date of his application appeals to the Minister on the ground that his application has been refused or has not been granted, the existing licence, and, if that licence is a road service licence, any backing thereof, shall continue in force until the appeal has been disposed of, notwithstanding the provisions of this Act as to the expiration of the licence by effluxion of time, without prejudice however to the exercise in the meantime of the powers of suspension and revocation conferred by this Part of this Act.

(4) Where the holder of any road service licence appeals to the Minister against any variation of the conditions attached to that licence that variation shall not have effect until the appeal has been disposed of.

Appeals to courts of summary jurisdiction in connection with drivers' and

82.—(1) Any person who, being the holder of or an applicant for a licence to act as driver or conductor of a public service vehicle feels aggrieved by the refusal or failure of the commissioners to grant or by the suspension or revocation of such a licence, or by any limitation imposed thereon, may by notice in writing

Part IV. —*cont.* conductors' licences.

to the commissioners require them to reconsider the matter, and shall on the reconsideration be entitled to be heard either personally or by his representative.

Any person who is so aggrieved as aforesaid or who is dissatisfied with the decision of the commissioners on the reconsideration of the matter may appeal to a court of summary jurisdiction acting for the petty sessional division in which the applicant resides, and on any such appeal the court may make such order as it thinks fit and any order so made shall be binding on the commissioners.

(2) Where the applicant for such a licence, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall continue in force until the appeal has been disposed of, notwithstanding the provisions of this Act as to the expiry of the licence by the effluxion of time.

Records of licences under Part IV.

83.—(1) The commissioners of every traffic area shall keep a record in such form and containing such particulars as may be prescribed of all licences granted or backed by them under this Part of this Act.

(2) Any police constable or any person authorised for the purpose by a local authority shall, without payment, and any other person appearing to the commissioners to have a reasonable ground for claiming so to do shall, upon payment of the prescribed fee, be entitled at any reasonable time to inspect and take copies of or extracts from the record, and the record shall be admissible in evidence of the matters required under this Part of this Act to be entered therein, and a copy of an entry made in the record in pursuance of this section purporting to be signed by or on behalf of the commissioners and to be certified to be a true copy shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the same.

Drivers, Conductors and Passengers.

Regulation of conduct of passengers.

84.—(1) The Minister may make regulations generally as to the conduct of passengers in public service vehicles and any such regulations may in particular, without prejudice to the generality of the foregoing provision—

(*a*) authorise the removal from a public service vehicle of any person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by any police constable;

(*b*) require a passenger in a public service vehicle who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a police constable or to the driver or conductor on demand;

(*c*) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of such journey and to accept any ticket provided therefor;

(*d*) require, on demand being made for the purpose by the driver or conductor or other person authorised by the licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;

(*e*) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;

(*f*) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(2) If any person contravenes or fails to comply with any provision of any such regulations, he shall be liable to a fine not exceeding five pounds.

Regulation of conduct of drivers and conductors.

85.—(1) The Minister may make regulations as to the conduct of persons licensed to act as drivers or conductors of public service vehicles when acting as such.

(2) If any person to whom any such regulations apply contravenes or fails to comply with any of the provisions of the regulations, he shall be liable to a fine not exceeding five pounds, and the court by which he is convicted may, if it thinks fit, cause particulars of

Part IV. —*cont.*

the conviction to be endorsed upon the licence granted to that person under this Part of this Act.

(3) The person who has the custody of the licence shall, if so required by the convicting court, produce the licence within a reasonable time for the purpose of endorsement, and if he fails to do so, shall be guilty of an offence.

Financial Provisions.

Fees in respect of licences and certificates.

86.—(1) Such fees as the Minister may prescribe shall be charged by the commissioners in respect of the grant or backing of licences and in respect of the issue of certificates of fitness under this Part of this Act.

(2) Any fees received by the commissioners shall be paid into the Road Fund in such manner as the Treasury may direct.

Salaries and expenses of traffic commissioners and staff, &c.

87.—(1) There shall be paid to the chairman of the traffic commissioners and to the persons acting as officers and servants of the commissioners such salaries or remuneration as the Minister may, with the consent of the Treasury, determine, and to the two other commissioners or any person appointed to act as a deputy for any commissioner such remuneration and such allowances, if any, as the Minister may, with the consent of the Treasury, determine.

(2) There shall be paid to or in respect of the certifying officers and the public service vehicle examiners such remuneration and such salaries or allowances, if any, as the Minister may, with the consent of the Treasury, determine.

(3) There shall be paid as part of the expenses of the roads department of the Ministry of Transport in every year such sums as the Minister may, with the consent of the Treasury, direct in respect of the salaries, remuneration, establishment charges, and other expenses of the traffic commissioners, certifying officers, public service vehicle examiners, and any other officer or servant appointed by the Minister for the purposes of this Part of this Act, including any expenses incurred in connection with the employment of police officers as public service vehicle examiners.

Accounts of traffic commis-

88.—(1) The commissioners for each traffic area shall cause proper accounts and other records in relation thereto to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister.

Part IV. —*cont.* sioners and audit.

(2) All accounts kept under this section shall, for the purposes of subsection (5) of section three of the Roads Act, 1920, be deemed to be part of the account of the Road Fund which under that subsection is to be prepared by the Minister.

Amendment of s. 3 of Roads Act. 1920.

89. Paragraph (*b*) of subsection (4) of section three of the Roads Act, 1920 (which provides for the payment out of the Road Fund to local and police authorities of sums representing the amounts which they would have received on account of fees and charges for the purposes of the licensing of mechanically propelled hackney carriages) shall apply only in respect of such mechanically propelled hackney carriages as are not public service vehicles within the meaning of this Act.

Miscellaneous.

Power of local authorities with respect to use of highways by public service vehicles and with respect to stations for such vehicles.

90.—(1) A local authority may make orders for determining the highways which may or may not be used by public service vehicles in the area or in any part of the area of the authority and for fixing thereon stands for public service vehicles and as to the places at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places.

15 & 16 Geo. 5. c. 71.

(2) Where in pursuance of the powers conferred by section sixty-eight of the Public Health Act, 1925, a local authority provide a parking place which may be used by public service vehicles, the local authority may, if it thinks fit—

(*a*) by order appoint that parking place as a station for such vehicles;

(*b*) by regulation declare that subsection (7) of that section (which prohibits persons employed in connection with vehicles within a parking place plying for hire or accepting passengers for hire) shall not apply to public service vehicles either absolutely or to such extent as may be specified in the regulation.

Part IV. —*cont.*

(3) Where a parking place is appointed under this section as a station for public service vehicles the local authority may

(*a*) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as a station for public service vehicles, and in particular provide and maintain waiting-rooms, ticket offices and lavatories, and other similar accommodation, in connection therewith, and

(*b*) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and

(*c*) make regulations as to the use of any such accommodation.

(4) Where any local authority propose to make an order under subsection (1) or subsection (2) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.

(5) An order made under subsection (1) or subsection (2) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid, and shall consult with the commissioners for the traffic area in which the area or any part of the area of the local authority is situate.

(6) The Minister may confirm an order made under subsection (1) or subsection (2) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.

(7) An order made and confirmed under subsection (1) of this section unless previously revoked shall remain in operation for three years, but may be renewed from time to time for a like period, and may at any time be altered or revoked by an order made in like manner and subject to the like provisions as the original order.

Part IV. —*cont.*

(8) The confirmation of an order under subsection (1) or subsection (2) of this section shall be evidence that the requirements of this section have been complied with.

(9) In subsection (1) of this section the expression "local authority" means as regards a county borough or an urban district having a population according to the last census for the time being of over twenty thousand, and any other urban or any rural district the council of which the Minister may by order declare to be a local authority for the purposes of this section, the council of the borough or district, and as regards any other area the council of the county.

(10) The purposes of this section shall be purposes for which a local authority may borrow in the case of a county council under the Local Government Act, 1888, and in the case of a borough or district council under and subject to the provisions of the Public Health Acts, 1875 to 1926.

Power of Minister to modify restrictions on user of roads by public service vehicles.

91.—(1) In any case where the running of public service vehicles on a road is restricted or prohibited by a local Act or order the council of the county borough or of the county district in which the road or any part thereof is situate or any local authority or person providing or proposing to provide a service of public service vehicles on that road, or any part thereof may apply to the Minister for an order modifying or revoking the restrictions or prohibition.

(2) The Minister, on receiving an application under this section, shall, unless he is of opinion that it is made without reasonable cause, direct a public inquiry to be held into the subject-matter of the application, and shall consider the report made to him by the person holding such inquiry.

Not less than one month's notice of the inquiry shall be given to the council of the county borough or county district in which the road is situate, to the applicants, where the application is not made by that authority, and to every local authority or person in whose favour the restrictions or prohibition appear to the Minister to have been imposed or who, in the opinion of the Minister, are affected by the application.

(3) If as a result of the inquiry the Minister is satisfied that it is in the public interest that the restrictions or

Part IV. —*cont.*

prohibition should be modified or revoked he may make an order modifying or revoking them, and may by such order modify or revoke to such extent as appears to him to be equitable in the circumstances any obligations imposed upon any person in connection with such restrictions or prohibition.

(4) Every order made under this section shall be laid before both Houses of Parliament, and shall not come into force until it has been approved by both Houses.

Protection of public interests.

92.—(1) It is hereby declared that nothing in this Part of this Act is to be treated as conferring on the holder of any licence granted under this Part of this Act any right to the continuance of any benefits arising from the provisions of this Part of this Act or from any licence granted thereunder or from any conditions attached to any such licence.

(2) In the event of any undertaking by which a service of public service vehicles is provided being purchased compulsorily by any local or public authority, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account.

Wages and conditions of employment of persons employed in connection with public service vehicles.

93.—(1) The wages paid by the holder of any road service licence to persons employed by him in connection with the operation of a public service vehicle and the conditions of their employment shall not be less favourable to them than the wages which would be payable and the conditions which would have to be observed under a contract which complied with the requirement of any resolution of the House of Commons for the time being in force applicable to contracts with Government departments.

(2) Any organisation representative of the persons engaged in the road transport industry may make representations to the commissioners to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of any road service licence are not in accordance with the requirements of the preceding subsection, and if the matter in dispute is not otherwise disposed of it shall be referred by the Minister of Labour to the Industrial Court for settlement.

Part IV. —*cont.*

(3) If it is decided by the Industrial Court that any person has been guilty of a breach of the provisions of this section, he shall be liable to be dealt with in all respects as if he had failed to comply with a condition attached to his road service licence.

General power of making regulations.

94. The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act, and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

(*a*) the forms to be used for the purposes of this Part of this Act;

(*b*) applications for and the issue of licences and of certificates of fitness;

(*c*) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;

(*d*) the fees to be payable under this Part of this Act and the persons liable to pay the same;

(*e*) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;

(*f*) the badges to be worn by drivers and conductors of public service vehicles;

(*g*) the custody, production and cancellation on revocation or expiration of licences and certificates of fitness, and the return to the commissioners of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;

(*h*) the determination of the number of passengers a public service vehicle is adapted to carry and the number who may be carried;

(*i*) the carriage of luggage and goods on public service vehicles;

(*j*) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle and fixing the charges made in respect thereof;

Part IV. —*cont.*

(*k*) the equipment to be carried by public service vehicles;

(*l*) for providing that any provisions of this Part of this Act shall in relation to public service vehicles brought into Great Britain for the purpose of carrying persons making only a temporary stay therein, have effect, subject to such modifications and adaptations as may be prescribed;

and different regulations may be made as respects different classes or descriptions of public service vehicles, and as respects the same class and description of public service vehicles in different circumstances.

Restriction on institution of proceedings in England.

95. Proceedings for an offence under this Part of this Act, other than a breach of the regulations as to the conduct of passengers in public service vehicles, shall not in England be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by commissioners of a traffic area a chief officer of police or the council of a county, county borough, or county district.

Transitory provisions.

96.—(1) The Minister may by order make such provision as he considers necessary for the transition from the enactments superseded by this Part of this Act to the provisions of this Part of this Act, and may by any such order provide that any licence relating to a public service vehicle or the driver or conductor thereof in force immediately before the commencement of this Act shall continue in force for such period and with such effect for the purposes of this Part of this Act as may be provided by the order.

(2) The Minister may revoke, vary, or amend an order made under this section.

Avoidance of contracts so far as restrictive of liability in respect of death of or injury to passengers in public service vehicles.

97. Any contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of any person in respect of any claim which may be made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

Part IV. —*cont.*

Provisions with respect to the Metropolitan traffic area.

98.—(1) This Part of this Act shall apply to the Metropolitan traffic area subject to the exceptions and modifications contained in this section and subject also to the special provisions contained in the next succeeding section with respect to the City of London and the Metropolitan police district.

(2) The following provisions of this Part of this Act shall not apply to the Metropolitan traffic area, that is to say, subsections (3), (4), (5), (6), (7), and (9) of section sixty-three in subsection (2) of section sixty-three the words "in manner provided by this section," and subsections (2) and (3) of section sixty-four and section seventy-two of this Act in its application to the metropolitan traffic area shall have effect as if the references to a local authority were omitted therefrom.

(3) For the Metropolitan traffic area there shall be appointed one traffic commissioner only who shall have all such powers and duties and act under such general directions as are mentioned in subsection (1) of section sixty-three of this Act and any reference in this Act or in any other enactment to the commissioners for a traffic area shall in relation to the Metropolitan traffic area be construed as a reference to the commissioner appointed under this section.

(4) Before the Minister gives to the commissioner for the Metropolitan traffic area any such general directions as aforesaid or gives to the commissioners of any traffic area any directions relating specifically to the London Traffic Area constituted under the London Traffic Act, 1924, the question of issuing the directions shall be referred by him to the London and Home Counties Traffic Advisory Committee constituted under the said Act.

14 & 15 Geo. 5. c. 34.

(5) The commissioner for the Metropolitan traffic area shall hold office for such term not exceeding three years as the Minister may at the time of his appointment determine, but shall be eligible for reappointment at the expiration of any term of office, and shall receive such salary or remuneration as the Minister, with the consent of the Treasury, may determine.

In the case of illness, incapacity, or absence of the commissioner, the Minister may appoint some other person to act as deputy for the commissioner.

Part IV. —*cont.*

Special provisions with respect to the City of London and the Metropolitan police district.

99.—(1) The provisions of this section shall have effect in relation to the area consisting of the City of London and the Metropolitan police district (in this section referred to as "the special area").

32 & 33 Vict. c. 115.
30 & 31 Vict. c. 134.
7 Edw. 7. c. 55.

(2) The following enactments, that is to say, the Metropolitan Public Carriage Act, 1869 (in this section referred to as "the Act of 1869"), sections eight and fourteen of the Metropolitan Streets Act, 1867, the London Cab and Stage Carriage Act, 1907, and section six of the London Traffic Act, 1924, shall not apply to any public service vehicle, or to the driver or conductor thereof, unless the vehicle plies for hire as a stage carriage by short stages within the special area in maintaining a regular service on an approved route within the meaning of section six of the London Traffic Act, 1924.

For the purposes of this section a vehicle shall be deemed to ply for hire by short stages within the special area if the following conditions are complied with but not otherwise, that is to say, if its route, so far as it lies within that area, is divided into stages, and if from any point on its route within the area a passenger may travel for a fare not exceeding twopence to the next point at which a stage ends.

(3) Where a public service vehicle is licensed under section six of the Act of 1869, there shall be deemed to have been attached to the licence in pursuance of section six of the London Traffic Act, 1924, a condition that the vehicle shall not, without the consent of the licensing authority, be used within the special area otherwise than in plying for hire in the manner specified in the last preceding subsection, and that, while being so used, it shall ply for hire throughout its route, so far as that route lies within the special area.

(4) A road service licence under this Part of this Act shall not be required, nor shall such a licence be granted, in respect of the use within the special area of a public service vehicle plying for hire by short stages within that area in accordance with the terms of a licence granted under section six of the Act of 1869.

(5) Before determining the conditions to be attached to a road service licence with respect to routes, stopping places, or terminal points within the special area, the traffic commissioners concerned shall consult with the

Part IV. —*cont.*

Commissioner of Police, and if the Commissioner of Police is dissatisfied by any condition attached to a road service licence with respect to a route, stopping place, or terminal point within his police district, he may appeal to the Minister, who shall make such order in the matter as he thinks fit, and any order so made by the Minister shall be binding on the traffic commissioners.

(6) The power of making orders conferred upon local authorities by subsection (1) of section ninety of this Act shall not be exercised within the special area by any local authority, but the Commissioner of Police may within his police district exercise with respect to contract carriages the power of making orders under the said subsection, and the provisions of subsections (3) to (7) of that section shall apply in relation to any order so made by the Commissioner of Police as they apply in relation to an order made by a local authority.

(7) Subject to the foregoing provisions of this section the Minister, for the purpose of adapting the provisions of this Part of this Act to the special area, may, after consultation with the Secretary of State and after reference to the London and Home Counties Traffic Advisory Committee constituted under the London Traffic Act, 1924, by order—

(*a*) provide for the exercise by the authority having power to grant licences under the Act of 1869 of any of the powers or duties conferred or imposed by this Part of this Act on traffic commissioners and on certifying officers, other than those relating to the grant or backing of road service licences;

(*b*) provide for the appointment by the Secretary of State of public service vehicle examiners, who shall act under his direction;

(*c*) provide for the payment of fees in respect of the grant or issue of any licences or certificates under this Part of this Act, or under the Act of 1869, by the said licensing authority;

(*d*) provide for the payment by the Minister, as part of the expenses of the roads department of the Ministry of Transport, into the Metropolitan police fund of such sum in respect of any licence or certificate granted or issued under this Part of this Act or under the Act of 1869

Part IV. —*cont.*

by the said licensing authority as the Treasury, after consultation with the Minister, may from time to time determine;

(*e*) provide that any licence or certificate granted or issued under this Part of this Act or under the Act of 1869 shall have such effect for the purposes of this Part of this Act as may be provided in the order;

and the provisions of this Part of this Act shall have effect in the special area and in relation to any licences or certificates granted or issued by the said licensing authority, subject to such adaptations and modifications as may be necessary for the purposes aforesaid and as may be specified in the order.

(8) An order made by the minister under the last preceding subsection shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which that House has sat and, if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.

(9) Any order made under this section may be revoked or altered by a subsequent order made in the like manner and subject to the like conditions.

(10) In this section the expression "the Commissioner of Police" means, in relation to the City of London, the Commissioner of Police of the City of London, and in relation to the Metropolitan police district, the Commissioner of Police of the Metropolis.

Application to Scotland.

100. This Part of this Act shall apply to Scotland subject to the following modifications:—

(*a*) In the application of section sixty-three the expression "county borough" shall mean a large burgh as defined in the Local Government (Scotland) Act, 1929:

(*b*) Section eighty-two shall have effect with the substitution for an appeal to a court of summary jurisdiction of an appeal to the sheriff within whose jurisdiction the applicant resides:

(*c*) The expression "local authority" means a county or town council, provided that the local authority for the purpose of the provisions of section

Part IV.
—*cont.*

sixty-six and subsection (1) of section ninety shall be in a burgh the magistrates of the burgh, and in a county the county council:

(*d*) The provisions of subsections (4), (5), (6), and (8) of section ninety shall have effect subject to the provisions of subsection (11) of section one hundred and twenty of this Act:

(*e*) In the application of section ninety × a reference to the council of a county or burgh shall be substituted for any reference to the council of a county borough or county district.

× ninety one
Substituted
The Act of 19
s. 2.

Part V.

Running of Public Service Vehicles by Local Authorities.

Power to run public service vehicles.

101.—(1) A local authority who under any local Act or Order are operating a tramway, light railway, trolley vehicle, or omnibus undertaking, may as part of that undertaking run public service vehicles on any road within their district and also with the consent of the traffic commissioners for the traffic area in which any other road is situate, on that road.

(2) Nothing in this Act shall authorise a local authority to run any public service vehicle—

(*a*) as a contract carriage; or

(*b*) on any road on which they are for the time being prohibited by any local Act or Order from running omnibuses; or

(*c*) except with the consent of the authority, on any road vested in a statutory dock authority as such or in a statutory harbour authority as such; or

(*d*) except with the consent of the company on any premises (not being part of a highway) belonging to a railway company and adjoining or giving access to a railway station.

Provisions with respect to consents to be granted by traffic commissioners

102.—(1) A local authority by whom an application is submitted to the traffic commissioners of any area for consent to the running of public service vehicles on any road within that area shall publish in manner hereinafter directed a notice stating that the application has been made, describing each route to which it relates and

Part V. —*cont.*

under this Part.

specifying the time within which, and manner in which, objections may be made to the commissioners by any other local authority, by the council of any county, or by any persons who are already providing transport facilities on, or in the neighbourhood of, any part of any route to which the application relates.

A notice for the purposes of this subsection shall be published in the London Gazette if any part of any route to which the application relates is situate in England, in the Edinburgh Gazette if any part of any such route is situate in Scotland, and also in such newspaper or newspapers on such number of days as the commissioners may direct, and the date specified in the notice as the latest date for the making of objections shall be a date which will allow for the making of objections not less than fourteen days calculated from the day on which publication of all notices required by or under this subsection to be published is complete.

(2) The commissioners, before deciding any application, may, and if any objection is duly received by them from a local authority, from the council of any county, or from any such person as is mentioned in the last preceding subsection, shall hold a public inquiry into the application and shall give not less than fourteen days' notice of the holding of any such inquiry to the applicants and to any local authority, any county council, and any such person as aforesaid by whom objection has been duly made.

(3) The commissioners, after holding a public inquiry in any case in which they consider it desirable, or in which they are by the last preceding subsection required, to hold such an inquiry, may either grant or refuse the consent applied for, or may grant a consent in such modified form, or subject to such conditions, as they think fit.

(4) The commissioners, in considering any application shall have regard to the extent to which the requirements of the applicants' district will be served, either directly or indirectly, by a service of vehicles on the route to which the application relates.

(5) The commissioners may at any time revoke or modify any consent, or modify any conditions attached to any consent, previously granted by them to a local authority, but, before doing so, they shall give to the

local authority and to any authority, county council, or person who appeared at the inquiry as an objector to the application an opportunity of being heard before them.

(6) Notice of the commissioners' decision upon any application for a consent and of their decision to revoke or modify a consent or to modify any conditions attached to a consent shall be given to the local authority concerned and to any authority, county council, or person who appeared at the inquiry as an objector against the application, and any authority, county council or person upon whom such a notice is served may within fourteen days after receipt thereof appeal to the Minister against the decision of the commissioners, and the Minister's decision upon any such appeal shall be final, and the commissioners shall give effect thereto.

(7) A decision of the commissioners to grant any consent shall not become operative until after the expiration of one month, and a decision to revoke or modify a consent, or to modify any conditions attached to a consent, shall not become operative until after the expiration of three months from the date of the commissioners' decision, and if at the expiration of that period an appeal to the Minister is pending the decision of the commissioners shall not become operative until the appeal has been determined.

Further provision as to omnibuses.

103. For the purposes of this Part of this Act a local authority may purchase and maintain such vehicles as may be necessary and may purchase by agreement, take on lease, and hold lands and may on any lands so purchased by or leased to them or any lands lawfully appropriated by them for the purpose erect such buildings, sheds, and conveniences and may provide such plant and appliances as may be requisite or expedient for the establishment, running, equipment, maintenance and repair of their public service vehicles.

Fares and charges.

104.—(1) A local authority authorised to run public service vehicles under this Part of this Act may demand and take for passengers and parcels carried on such vehicles such fares and charges as they may think fit:

Provided that every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge.

Part V. —*cont.*

(2) A local authority authorised to run public service vehicles under this Part of this Act may if they think fit carry on such vehicles small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers, the charge for any such dog to be a sum not exceeding the fare payable by the passenger, but they shall not carry on such vehicles any other goods or animals.

(3) A local authority authorised to run public service vehicles under this Part of this Act shall perform in respect of services of such vehicles on any route authorised under this Part of this Act such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act, 1893, in respect of a tramway to which that Act applies.

56 & 57 Vict. c. 38.

Working and other agreements.

105.—(1) A local authority authorised to run public service vehicles and any other local authority authorised to run such vehicles in any district adjacent to the district of the first-mentioned authority, or adjacent to any district on any road in which the first-mentioned authority are for the time being authorised to run such vehicles, may make and carry into effect agreements for the management, working, and maintenance of any service which any party to the agreement is authorised to run.

(2) A local authority authorised to run public service vehicles and any other person, not being a local authority, may make and carry into effect agreements for the management, working, and maintenance of any service which any party to the agreement is for the time being authorised to run, either in the district of the local authority, or in any district on any road in which the authority are for the time being authorised to run such vehicles.

(3) An agreement entered into under either of the last two preceding subsections may make provision with respect to all or any of the following matters, that is to say:—

(*a*) The working, user, management and maintenance of any vehicles, lands, depots, buildings, sheds, and property provided in connection with any services to which the agreement relates by any party to the agreement and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

(*b*) The supply by any party to the agreement of vehicles and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(*c*) the through running of vehicles.

(4) A local authority authorised to run public service vehicles may make and carry into effect agreements with any other local authority authorised to run such vehicles, and with any other person, not being a local authority, for all or any of the following purposes, so far as those purposes can be effectuated without any through running of vehicles, that is to say:—

(*a*) The interchange, accommodation, conveyance, transmission and delivery of traffic arising on or coming from or destined for any service provided by any party to the agreement;

(*b*) The payment, collection and apportionment of the fares and charges and other receipts arising from any such service as aforesaid.

(5) Agreements may be made under this section notwithstanding any provision in any local Act or Order by which the making of working agreements is restricted, but in running any service of public service vehicles on any route in pursuance of an agreement made under this section the local authority or other person operating the service shall comply with the provisions of the Act or Order, if any, by which the service is authorised.

(6) In this section the expression "authorised" means authorised otherwise than by virtue of an agreement under this section.

Accounts.

106. Where a local authority run public service vehicles under this Part of this Act they shall in the accounts relating to their transport undertakings distinguish, so far as may be practicable receipts and expenditure relating to their public service vehicles from receipts and expenditure relating to any other transport undertaking, and in the receipts and expenditure relating to their public service vehicles shall further distinguish receipts and expenditure on capital account from receipts and expenditure upon revenue account.

Part V. —*cont.*

Expenses and borrowing.

107.—(1) The expenses of a local authority under this Part of this Act shall be defrayed as follows, that is to say:—

(*a*) in the case of the council of a county borough or county district out of the general rate fund of their district;

(*b*) in the case of a joint board or joint committee, in the same manner as the general expenses of the board or committee.

(2) A local authority may from time to time with the consent of the Minister borrow such sums as may be required for the purposes of this Part of this Act including the repayment of any sums previously borrowed for such purposes—

(*a*) in the case of the council of a county borough or county district, on the security of the general rate fund of their district and of any other revenues of the authority; and

(*b*) in the case of a joint board or joint committee in the manner in which they are authorised to borrow for the purposes of their other powers and duties.

(3) Any sum borrowed under this section shall be repaid within such period as may be prescribed by the Minister, and the Minister in giving his consent to any such borrowing may attach thereto such conditions as he thinks fit with respect to the application of revenue the formation of a reserve fund or sinking fund the investment of moneys representing any such fund and the keeping of accounts.

Interpretation.

108.—(1) In this Part of this Act—

The expression "local authority" means—

(i) the council of any county borough or county district, and

(ii) any joint board or joint committee which is so constituted as to include among its members representatives of the council of a county borough or county district; and

The expression "district" in relation to a joint board or joint committee means the area within which that board or committee are authorised to carry on a tramway, light railway, trolley vehicle or omnibus undertaking and save as aforesaid means a county borough or a county district as the case may be.

(2) Nothing in this Part of this Act shall be in derogation of the provisions of Part IV of this Act.

Application to Scotland.

109. This Part of this Act shall apply to Scotland subject to the following modifications:—

(*a*) The expression "local authority" shall mean the Town Council of a burgh;

(*b*) Section one hundred and seven of this Act shall not apply.

Extent of this Part of Act.

110. This Part of this Act shall not extend to the London Traffic Area within the meaning of the London Traffic Act, 1924.

PART VI.

GENERAL.

Provisions as to regulations.

111.—(1) Any regulations made by the Minister under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

(2) Before making regulations under this Act the Minister shall consult with such representative organisations as he thinks fit.

(3) If any person acts in contravention of, or fails to comply with, any regulation made by the Minister under this Act, contravention of or failure to comply with which is not made an offence under any other provision of this Act, he shall for each offence, be liable on summary conviction to such maximum penalty not exceeding a fine of twenty pounds as may be prescribed by the regulations.

(4) The production of a copy of regulations under this Act purporting to be printed by the Government

Part VI. —*cont.*

printer shall be evidence that the requirements of this Act as to the making of regulations and the laying of regulations before Parliament have been complied with.

Forgery, &c., of licences and certificates. 3 & 4 Geo. 5. c. 27.

112.—(1) If, with intent to deceive, any person—

(*a*) forges within the meaning of the Forgery Act, 1913, or alters or uses or lends to or allows to be used by any other person a licence under any Part of this Act or a certificate of insurance or certificate of security under Part II of this Act; or

(*b*) makes or has in his possession any document so closely resembling such a licence or certificate as to be calculated to deceive,

he shall be guilty of a misdemeanour and shall be liable—

(i) on conviction on indictment to imprisonment for a term not exceeding two years;

(ii) on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(2) If any person for the purpose of obtaining the grant of any licence to himself or any other person knowingly makes any false statement, or for the purpose of obtaining the issue of a certificate of insurance or of a certificate of security under Part II of this Act makes any false statement or withholds any material information, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such imprisonment and fine.

(3) If any person issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular, he shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(4) If any police constable has reasonable cause to believe that any licence or certificate of insurance or certificate of security produced to him in pursuance of the provisions of this Act by the driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document, and when any document is seized under

this section, the person from whom it was taken shall, unless the document has been previously returned to him or he has previously been charged with an offence under this section, be summoned before a court of summary jurisdiction to account for his possession of the said document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(5) In this section the expressions "certificate of insurance" and "certificate of security" include any document issued under regulations made by the Minister in pursuance of his power under Part II of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

Prosecutions and penalties for offences.

113.—(1) Save as otherwise expressly provided, all offences under this Act shall be prosecuted under the Summary Jurisdiction Acts.

(2) A person guilty of an offence under this Act for which no special penalty is provided shall be liable in the case of the first offence to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months.

(3) Where the driver of a vehicle is alleged to be guilty of an offence under this Act—

(*a*) the owner of the vehicle shall give such information as he may be required by or on behalf of a chief officer of police to give as to the identity of the driver, and, if he fails to do so, shall be guilty of an offence, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

(*b*) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver, and, if he fails to do so, he shall be guilty of an offence.

Inquiries by Minister.

114.—(1) The Minister may hold inquiries for the purposes of this Act (including appeals to him thereunder) as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.

9 & 10 Geo. 5. c. 50.

PART VI. —*cont.*

(2) Where an inquiry is held under this Act the Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry as he may think just.

Expenses of roads department.

115.—(1) Such part of the expenses incurred by and in connection with the roads department of the Ministry of Transport, including the salaries of the staff of that department, as the Minister may from time to time, with the approval of the Treasury, determine to be expenses so incurred in the administration of this Act, shall be paid out of the road fund, and for the purposes of this subsection expenses incurred in disseminating knowledge or otherwise informing the minds of the people, with a view to promoting safety on roads, may be treated as expenses incurred in the administration of this Act.

(2) For the purposes of—

(*a*) subsection (1) of this section;

(*b*) paragraphs (*c*) and (*e*) of subsection (4) of section three of the Roads Act, 1920;

(*c*) section fifteen of the London Traffic Act, 1924;

15 & 16 Geo. 5. c. 68.

(*d*) section eight of the Roads Improvement Act, 1925;

expenses incurred under or in the administration of those enactments, respectively, which are payable out of the Road Fund shall be deemed to include and always to have included such charges in respect of superannuation and other allowances and gratuities payable on death or retirement, as the Minister, with the approval of the Treasury may from time to time determine to be proper.

Compensation for existing officers.

116.—(1) Every officer of a local authority who immediately before the passing of this Act had held office under that authority for a period of not less than two years, and who by virtue of this Act, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by the determination of his appointment, or by diminution or loss of fees, salary, or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to compensation under this Act for that loss.

(2) For the purposes of this section any officer—

(*a*) who at any time within five years after the passing of this Act relinquishes office by reason of his having been required to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the passing of this Act, or

(*b*) whose appointment is determined or whose salary is reduced within five years after the passing of this Act because his services are not required or his duties are diminished, and not on the ground of misconduct,

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of this Act.

(3) The provisions set out in the Fourth Schedule to this Act shall apply to the determination and payment of compensation under this Act to officers.

(4) For the purposes of this section the expression "officer" includes servant, but no member of a police force shall be deemed to be an officer of a local authority.

Application of fines and fees under Part I.

117. All fines imposed in respect of offences under this Act or the regulations made thereunder and all sums received by a licensing authority by way of fees for licences under Part I of this Act shall be paid into the Exchequer in the same manner respectively as penalties and forfeitures recovered under or in pursuance of and duties levied under the Roads Act, 1920, and in accordance with such directions as may be contained with respect to such penalties, forfeitures, and duties in any Order in Council for the time being in force under that Act and any sums paid into the Exchequer under this section shall, for the purposes of section two of the Roads Act, 1920, be deemed to have been paid into the Exchequer under that Act.

Inland Revenue licence for motor-car drivers.
32 & 33 Vict. c. 14.
39 & 40 Vict. c. 16.
11 & 12 Geo. 5. c. 32.

118. The definition of "male servant" in subsection (3) of section nineteen of the Revenue Act, 1869, as amended by section five of the Customs and Inland Revenue Act, 1876, and section ten of the Finance Act, 1921, shall be construed as if a person employed to drive a motor-car were included in that definition.

Part VI. —*cont.*

Special provisions as to Scotland.

119.—(1) Where any powers and duties are by this Act conferred or imposed on county councils and on the town councils of certain burghs only, all other burghs shall for the purposes of those powers and duties be deemed to be within the county.

(2) Any expenses incurred by a town or county council under this Act shall be defrayed out of such rate leviable by the council and payable by owners and occupiers in equal proportions as the council may determine.

(3) A county or a town council shall have power to borrow such sums as they may require for the purpose of the payment of the consideration for a transfer under section fifty-three of this Act or for the purposes of Part V or of section one hundred and twenty of this Act or for the purpose of the erection, or of making a contribution towards the erection, in pursuance of section twenty-seven, of any machine for weighing motor vehicles and trailers, and any sum so borrowed shall be repaid within such period as may be prescribed by the Secretary of State after consultation with the Minister.

(4) Except where otherwise expressly provided the expression "highway authority" means a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein.

(5) Section one hundred and twelve of this Act shall have effect as if the words "within the meaning of the Forgery Act, 1913" were omitted and as if for any reference to a court of summary jurisdiction there were substituted a reference to the sheriff.

(6) For the purposes of section one hundred and sixteen of and the Fourth Schedule to this Act the expression "local authority" shall mean a county or town council.

(7) Notwithstanding anything in section sixteen of the Development and Road Improvement Funds Act, 1909, the power conferred on the Minister of Transport by section eight of that Act as amended by section four of and the First Schedule to the Roads Act, 1920, to make advances in conjunction with a highway authority to any company or person shall be exercisable in

respect of roads which are not maintainable at the cost of a highway authority.

(8) Any person who aids, abets, counsels, procures, or incites any other person to commit an offence against this Act shall be guilty of an offence, and shall be liable on conviction to the same punishment as might be imposed on conviction of the first mentioned offence, provided that any person who aids, abets, counsels, procures or incites any person employed by him to drive, or subject to his orders in driving a motor vehicle on a road, to commit an offence against section ten of this Act, shall be liable to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(9) Any offence against this Act for which the maximum penalty that may be imposed does not exceed twenty pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1908, having jurisdiction in the place where such offence was committed.

8 Edw. 7. c. 65.

(10) It shall be lawful to convict a person of a contravention of section forty-nine of this Act on the evidence of one witness.

(11) This section shall extend to Scotland only.

Power to provide parking places in Scotland.

120.—(1) Where for the purpose of relieving or preventing congestion of traffic it appears to the local authority to be necessary to provide within their district suitable parking places for vehicles, the local authority may provide such parking places in accordance with the provisions of this section, and for that purpose may—

(*a*) acquire land suitable for use as a parking place; or

(*b*) utilise any lands which may lawfully be appropriated for the purpose; or

(*c*) by order authorise the use as a parking place of any part of a street within their district:

Provided that no such order shall—

(i) authorise the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street, or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or

(ii) be made in respect of any part of a street without the consent of the authority or person responsible for the maintenance of the street.

(2) Where a local authority propose to make an order under this section authorising the use as a parking place of any land forming part of a street, or propose to acquire or utilise any land for the purposes of this section, the local authority shall cause notice of the proposal to be published in at least one newspaper circulating within their district, and shall also cause a copy of such notice to be posted for not less than fourteen days on the land to which the proposal relates, and every such notice shall—

(*a*) specify the land to which the proposal relates; and

(*b*) notify the date (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the local authority; and

(*c*) contain a notification of the right of appeal conferred by this section.

(3) Before carrying into effect any proposal of which notice is required by this section to be given, the local authority shall consider any objection to the proposal which is sent to them in writing within the time fixed in that behalf, and shall, after so considering it, give notice of their decision to the person by whom the objection was made, and if any person is aggrieved by any such decision he may, within twenty-one days after receiving notice thereof, appeal therefrom to the sheriff.

(4) The local authority may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a street, which they may acquire or utilise under this section, and may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.

Part VI. —*cont.*

(5) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such parking place.

(6) A local authority may make regulations as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the local authority in connection with the use of any parking place not being part of a street, and a copy of any such regulations shall be exhibited on or near any parking place to which the regulations relate.

(7) While any vehicle is within a parking place it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if any person acts in contravention of this provision he shall be liable to a fine not exceeding forty shillings:

Provided that, where the local authority provides a parking place which may be used by public service vehicles, the local authority may if it thinks fit by order declare that this subsection shall not apply to public service vehicles either absolutely or to such extent as may be specified in the order.

(8) Any order made under the foregoing provisions of this section may be varied or revoked by any subsequent order made in like manner.

(9) Nothing in this section shall authorise the execution of any works on, over, or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

(10) Where in pursuance of the powers conferred by the foregoing provisions of this section a local authority

Part VI. —*cont.*

provide a parking place which may be used by public service vehicles, the local authority may, if it thinks fit, by order appoint that parking place as a station for such vehicles, and where a parking place is so appointed the local authority may—

(*a*) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as a station for public service vehicles and, in particular, provide and maintain waiting rooms, ticket offices, and lavatories and other similar accommodation in connection therewith; and

(*b*) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and

(*c*) make regulations as to the use of any such accommodation.

(11) The provisions of subsections (4), (5), (6), and (8) of section ninety of this Act shall apply to any order under the foregoing subsection of this section in like manner as they apply to an order under subsection (2) of that section.

(12) In this section the expression "local authority" means a county or town council, and the expression "parking place" means a place where vehicles, or vehicles of any particular class or description, may wait.

(13) This section shall extend to Scotland only.

Interpretation and application to Crown.

121.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Public service vehicle" means a motor vehicle used for carrying passengers for hire or reward other than a vehicle which is a contract carriage within the meaning of this Act adapted to carry less than eight passengers or a tramcar or a trolley vehicle:

"Tramcar" includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896:

59 & 60 Vict. c. 48.

Part VI. —*cont.*

"Trolley vehicle" means a mechanically-propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source:

"Owner" in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement:

"Driver," where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression "drive" shall be construed accordingly:

"Fares" includes sums payable in respect of a contract ticket or a season ticket:

"Prescribed" means prescribed by regulations:

"Forestry" includes the felling of trees and haulage thereof:

"Road" means any highway and any other road to which the public has access, and includes bridges over which a road passes:

"Highway authority," in relation to any road, means the authority (being either the council of a county, the council of a county borough, the council of an urban district, the common council of the City of London, or the council of a metropolitan borough) which is responsible for the maintenance of the road:

"Bridge authority" means the authority or person responsible for the maintenance of a bridge:

"Chief officer of police" has the same meaning as in the Police Pensions Act, 1921:

11 & 12 Geo. 5. c. 31.

"Minister" means the Minister of Transport.

(2) Parts I and III of this Act, other than the section of this Act making provision with respect to extraordinary traffic, shall, subject as hereinafter provided, apply to vehicles and persons in the public service of the Crown, and for the purpose of proceedings for an offence in connection with any such vehicle against any person other than the driver of the vehicle, the

PART VI. —*cont.*

person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver only was responsible:

Provided that the provisions of this Act which respectively—

(*a*) impose restrictions on persons under twenty-one years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors or heavy motor cars;

(*b*) regulate the number of trailers which may be drawn by motor vehicles;

(*c*) limit the time for which drivers of certain vehicles may remain continuously on duty;

shall not apply in the case of motor vehicles owned by the Admiralty, the War Department, or the Air Ministry, and used for naval, military or air force purposes or in the case of vehicles so used while being driven by persons for the time being subject to the orders of any member of the armed forces of the Crown, and the Minister may by regulations, subject to such conditions as may be specified in the regulations, vary in relation to any such vehicles as aforesaid while being driven as aforesaid the provisions of the First Schedule to this Act.

Repeals.

122. The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and so much of the provisions of any local Act (including any local Act passed at any time in the present Session of Parliament) as confers or imposes on any person any power, right, or obligation, which by any enactment mentioned in the said third column or by this Act (otherwise than by Part V thereof) is conferred or imposed on any person, is hereby repealed:

Provided that nothing in this repeal shall affect any regulations or orders made by the Minister under any enactment hereby repealed, or any licences granted under the Motor Car Act, 1903, but any such order, regulation or licence shall have effect as if made or granted under the corresponding provision of this Act, subject, however, to the following modifications and qualifications:

(*a*) any regulations made under section four of the Locomotives on Highways Act, 1896, or section nine of the Motor Car Act, 1903, by which a speed limit of less than twenty miles per hour is imposed and in force at the commencement of this Act, shall not, unless the Minister by order otherwise directs, continue in force for more than twelve months thereafter;

59 & 60 Vict. c. 36.

(*b*) a licence granted under the Motor Car Act, 1903, shall not continue in force beyond the time when it would have expired if this Act had not been passed, but if a new licence is granted to the holder thereof under Part I of this Act, there shall be copied on that licence before it is issued the particulars, if any, which are endorsed on the licence granted under the Motor Car Act, 1903, unless he is entitled under Part I of this Act to have a licence issued to him free from endorsements;

(*c*) references in any order made under subsection (4) of section seven of the Roads Act, 1920, to heavy motor cars or to locomotives shall be construed respectively as references to heavy motor cars as defined by this Act and to heavy locomotives and light locomotives as so defined and any expressions in any orders or regulations made under any other repealed enactments shall bear the same meaning as they bore immediately before the commencement of this Act.

Short title, commencement and extent.

123.—(1) This Act may be cited as the Road Traffic Act, 1930.

(2) This Act shall come into operation on such day or days as the Minister may appoint, and the Minister may fix different days for different purposes and different provisions of this Act.

(3) This Act shall not extend to Northern Ireland.

SCHEDULES.

Sections 10 and 121.

The First Schedule to the Act of 1934 is substituted for this schedule by s. 2 of that Act

FIRST SCHEDULE.

Limits of Speed.

Class of Vehicle.	Maximum Speed—Miles per Hour.
1. *Passenger Vehicles*, that is to say vehicles constructed solely for the carriage of passengers and their effects:—	
(1) If all the wheels are fitted with pneumatic tyres and the vehicle is not drawing a trailer—	
(*a*) if the vehicle is adapted to carry not more than seven passengers, exclusive of the driver and is not a heavy motor car or an invalid carriage - - - - - -	No limit.
(*b*) if the vehicle is a heavy motor car or is adapted to carry more than seven passengers, exclusive of the driver - - - - - -	30
(2) In any other case, including invalid carriages - - - - - - - -	20
2. *Goods Vehicles*, that is to say vehicles constructed or adapted for use for the conveyance of goods or burden of any description:—	
(1) When not drawing a trailer—	
(*a*) Motor cars, if all the wheels are fitted with pneumatic tyres; and	
(*b*) Heavy motor cars, constructed or adapted for the conveyance of horses and their attendants and used solely for that purpose, if all the wheels are fitted with pneumatic tyres - - -	30
(*c*) (i) Motor cars, if all the wheels are not fitted with pneumatic tyres but are fitted with soft or elastic tyres; and	
(ii) Heavy motor cars, if all the wheels are fitted with pneumatic tyres - - - - -	20
(*d*) Heavy motor cars, if all the wheels are not fitted with pneumatic tyres but are fitted with soft or elastic tyres - - -	16

1st Sch. —*cont.*

Class of Vehicle.	Maximum Speed—Miles per Hour.
(2) When drawing a trailer—	
(*a*) if all the wheels both of the drawing vehicle and of the trailer are fitted with pneumatic tyres, or if the trailer is attached to the drawing vehicle by partial superimposition in such manner as to cause a substantial part of the weight to be borne by the vehicle and all the wheels both of the drawing vehicle and of the trailer are fitted with soft or elastic tyres - - - -	16
(*b*) if all the wheels both of the drawing vehicle and of the trailer are not fitted with pneumatic tyres but are fitted with soft or elastic tyres - -	8
(3) In any other case - - - -	5
3. *Locomotives and motor tractors :—*	
(1) Heavy locomotives—	
(*a*) Within any city, town or village -	3
(*b*) Elsewhere - - - - - -	5
(2) Light locomotives—	
(*a*) When not drawing a trailer or not drawing more than two trailers, if all the wheels both of the locomotive and of any trailer drawn by it are fitted with soft or elastic tyres - - - - - -	8
(*b*) In any other case - - - -	5
(3) Motor tractors—	
(*a*) When not drawing a trailer, if all the wheels of the tractor are fitted with soft or elastic tyres - -	16
(*b*) When drawing a trailer, if all the wheels both of the tractor and of any trailer drawn by it are fitted with soft or elastic tyres - -	8
(*c*) In any other case - - - -	5

Section 46.

SECOND SCHEDULE.

Provisions as to Applications and Inquiries under Section Forty-six.

1. Every application under section forty-six of this Act shall be made in such manner as may be prescribed and shall state the grounds upon which the application is made.

2. If in the case of any application the Minister determines that a public inquiry shall be held, the council making the application shall publish notice of the inquiry in such newspaper or newspapers on such number of days as the Minister may direct, and also in the case of an application under subsection (1) of the said section forty-six, in the London Gazette if the road to which the application relates is situate in England, and in the Edinburgh Gazette if the road to which the application relates is situate in Scotland.

A notice for the purposes of this paragraph shall be in such form and shall contain such particulars as may be prescribed.

3. Subject as hereinafter provided, all persons interested may appear at the inquiry either in person or by counsel, agent or solicitor:

Provided that no person shall be entitled to be heard at the inquiry unless he has within one week from the last publication of the notice of the holding of the inquiry sent a notice in writing to the Minister of his desire to be heard at the inquiry, and the person holding the inquiry may refuse to hear any person if he is satisfied that the views of that person have been adequately stated on the inquiry by some other person.

4. Subject as aforesaid inquiries and all proceedings incidental thereto shall be conducted in the prescribed manner.

THIRD SCHEDULE.

Section 62

Traffic Areas.

Part I.

Traffic Areas in England.

1. Northern Traffic Area -	The administrative counties of Northumberland, Cumberland, Durham, and Westmorland. So much of the administrative county of Lancaster as comprises the urban districts of Dalton-in-Furness, Ulverston, and Grange, and the rural district of Ulverston. So much of the administrative county of York, North Riding, as comprises the boroughs of Richmond, Thornaby-on-Tees, and Redcar, the urban districts of Northallerton, Guisborough, Eston, Skelton and Brotton, Saltburn, Loftus, Hinderwell, and Whitby, and the rural districts of Northallerton, Croft, Richmond, Middlesbrough, Stokesley, Guisborough, and Whitby. The county boroughs of Newcastle-upon-Tyne, Tynemouth, Carlisle, Darlington, Gateshead, South Shields, Sunderland, West Hartlepool, Barrow-in-Furness, and Middlesbrough.
2. Yorkshire Traffic Area	The administrative counties of York, North Riding (except the portion included in the Northern Traffic Area), York, West Riding, and York, East Riding. So much of the administrative county of Derby as comprises the borough of Chesterfield, the urban districts of Dronfield, Baslow and Bubnell, Bolsover, Clay Cross, and Brampton and Walton, and the rural districts of Chesterfield, Norton, Clown, and Blackwell.

3rd Sch. *—cont.*

2. Yorkshire Traffic Area *—cont.*	The county boroughs of Kingston-upon-Hull, York, Barnsley, Bradford, Halifax, Dewsbury, Doncaster, Huddersfield, Leeds, Rotherham, Sheffield, and Wakefield.
3. North-Western Traffic Area.	The administrative counties of Montgomery, Merioneth, Carnarvon, Anglesey, Denbigh, Flint, Chester and Lancaster (except the portion included in the Northern Traffic Area). So much of the administrative county of Derby as comprises the boroughs of Buxton and Glossop, the urban district of New Mills, and the rural districts of Chapel-en-le-Frith, Glossop Dale, and Hayfield. The county boroughs of Birkenhead, Chester, Stockport, Wallasey, Blackburn, Blackpool, Bolton, Bootle, Burnley, Bury, Liverpool, Manchester, Oldham, Preston, Rochdale, St. Helens, Salford, Southport, Warrington, and Wigan.
4. West Midland Traffic Area.	The administrative counties of Hereford, Salop, Stafford, Warwick, and Worcester. The county boroughs of Burton-upon-Trent, Smethwick, Stoke-on-Trent, Walsall, West Bromwich, Wolverhampton, Birmingham, Coventry, Dudley, and Worcester.
5. East Midland Traffic Area.	The administrative counties of Nottingham, the Parts of Lindsey, the Parts of Kesteven, the Parts of Holland, Rutland, Leicester, Northampton, Huntingdon, Bedford, and the Soke of Peterborough. The administrative county of Bucks (except the portion included in the Southern Traffic Area). The administrative county of Derby (except the portions included in the Yorkshire Traffic Area and the North-Western Traffic Area). The county boroughs of Nottingham, Grimsby, Lincoln, Leicester, Northampton, and Derby.

3rd Sch.—*cont.*

6. Eastern Traffic Area -	The administrative counties of Norfolk, the Isle of Ely, Cambridge, East Suffolk, and West Suffolk. So much of the administrative county of Essex as lies outside the Metropolitan Police District. So much of the administrative county of Hertford as lies outside the Metropolitan Police District. The county boroughs of Great Yarmouth, Norwich, Ipswich, and Southend-on-Sea.
7. South Wales Traffic Area.	The administrative counties of Pembroke, Cardigan, Carmarthen, Brecon, Radnor, Glamorgan, and Monmouth. The county boroughs of Cardiff, Merthyr Tydfil, Swansea, and Newport.
8. Western Traffic Area -	The administrative counties of Cornwall, Devon, Somerset, and Gloucester. The county boroughs of Exeter, Plymouth, Bath, Bristol, and Gloucester.
9. Southern Traffic Area	The administrative counties of Oxford, Berks, Wilts, Dorset, Southampton, and the Isle of Wight. So much of the administrative county of Bucks as comprises the borough of Chepping Wycombe, the urban districts of Beaconsfield, Marlow, and Slough, and the rural districts of Eton, Wycombe and Hambledon. The county boroughs of Oxford, Reading, Bournemouth, Portsmouth, and Southampton.
10. South-Eastern Traffic Area.	The administrative counties of East Sussex and West Sussex. So much of the administrative counties of Surrey and Kent as lies outside the Metropolitan Police District. The county boroughs of Brighton, Eastbourne, Hastings, and Canterbury.
11. Metropolitan Traffic Area.	The Metropolitan Police District and the City of London.

3RD SCH. —*cont.*

PART II.

TRAFFIC AREAS OF SCOTLAND.

1. Northern Traffic Area	The counties of Caithness, Sutherland, Ross and Cromarty, Inverness, Nairn, Moray, Banff, Aberdeen, Orkney, Zetland, Kincardine, Perth, Angus, Clackmannan, Kinross and Fife.
2. Southern Traffic Area	The counties of Argyll, Stirling, Dumbarton, Renfrew, Lanark, Ayr, Wigtown, Kirkcudbright, Bute, Westlothian, Midlothian, East Lothian, Berwick, Peebles, Selkirk, Dumfries, and Roxburgh.

Sections 116, 119.

FOURTH SCHEDULE.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS.

1. For the purpose of determining whether compensation is payable to an officer, and, if so, the amount of such compensation, regard shall be had to—

(*a*) the conditions upon which his appointment was made;

(*b*) the nature of his office or employment;

(*c*) the duration of his service;

(*d*) any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance or in consequence of this Act;

(*e*) the emoluments which he might have acquired if he had not refused to accept any office offered to him by the Minister or any local authority; and

(*f*) all the other circumstances of the case;

and the compensation shall not exceed the amount which under the Acts and rules relating to Her Majesty's Civil Service which were in operation on the thirteenth day of August, eighteen hundred and eighty-eight, would have been payable to a person on abolition of office.

2. Every person who claims to be entitled to compensation shall forward to the Minister a claim setting forth—

(*a*) all material facts relating to his appointment, the conditions upon which it was made, the nature of his employment, and the duration of his service;

4th Sch. —*cont.*

(*b*) the whole amount received and expended by him or his predecessors in office in every year during the period of five years next before the date on which the relinquishment of office or determination of appointment takes effect, or the direct pecuniary loss commences, as the case may be, distinguishing the offices in respect of which the emoluments have been received;

(*c*) particulars of any additional emoluments which he has acquired, or will acquire, by virtue of this Act, or anything done in pursuance or in consequence of this Act; and

(*d*) particulars of any office which has been offered to him by the Minister or any local authority;

and such claim shall be accompanied by a statutory declaration that the claim so delivered is a true statement according to the best of his knowledge, information, and belief.

3. Every local authority shall give to the Minister such assistance and information as he may require to enable him to make a just assessment of the compensation, if any, to which a claimant is entitled, and for the purpose of enabling the authority to give such assistance and information, any claimant, if so required by the authority, shall attend at a meeting of the authority or of any committee appointed by the authority for the purpose, and answer upon oath, which any justice present may administer, all questions asked by any member of the authority or committee touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to the claim.

4. In computing the service of any officer for the purpose of the award of compensation the Minister shall take into account all the service of that officer after he attained the age of eighteen years under any local authority:

Provided that where the officer held two or more offices and the claim to compensation is based on a loss of one or some only of those offices, account shall not be taken under this paragraph of service in an office which the officer continues to hold unless throughout the period of his service in that office he devoted the whole of his time to the duties of offices held by him under one or more local authorities.

5. If an officer's appointment is determined otherwise than at the expiration of a complete year of his service, the portion then expired of that year shall be treated as a complete year where such portion exceeds six months, and shall be ignored where such portion does not exceed six months.

6. The compensation payable under this Act to an officer who immediately before the appointed day held two or more

4th Sch. —*cont.*

offices under any one or more local authorities, and who devoted the whole of his time to the duties of such offices, shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

7. If any officer was temporarily absent from his employment during the late war whilst serving in His Majesty's forces or the forces of the allied or associated Powers, either compulsorily or with the sanction or permission of the local authority, such period of temporary absence shall be reckoned as service under the authority in whose employment he was immediately before and after such temporary absence:

Provided that in the case of an officer who, after the armistice, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned.

8. The Minister may, in his discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person, or that the officer before his appointment had been employed as a deputy, assistant, or clerk by a permanent officer for the purpose of the discharge of his official duties, add any number of years, not exceeding ten, to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to His Majesty's Civil Service as applied by this Act.

9. The compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act, or of anything done in pursuance or in consequence of this Act or, if the compensation is payable otherwise than by way of an annual sum, the capital value of such annual sum as might have been awarded.

10. No service of which account has been taken in assessing the compensation payable under this Act to an officer in respect of the determination or relinquishment of any appointment held by him shall, in the event of his accepting any other office after the commencement of this Act, be reckoned for the purpose of computing any sum payable in respect of that office under any superannuation scheme or other scheme for ensuring benefits to an officer on retirement whether under any enactment or otherwise.

11. The Minister, on receiving any claim, shall as soon as may be take it into consideration and assess the just amount of compensation, if any, to which the claimant is entitled and inform the claimant of his decision, and the sum payable as compensation shall commence to be payable at the date fixed by the Minister or, in the case of an appeal under the next succeeding paragraph, by the Treasury.

12. If a claimant is aggrieved by the refusal of the Minister to grant any compensation, or by the amount of compensation assessed, he may within three months after the date on which he receives notice of the Minister's decision appeal to the Treasury who shall consider the case and determine whether any compensation and, if so, what amount, ought to be granted to the claimant, and the determination of the Treasury shall be final.

13. If a person receiving compensation under this Schedule is appointed to any office under the Crown, or by the Minister, or by any local or other public authority, or if, by virtue of this Act or anything done in pursuance of or in consequence of this Act, he receives any increase of the emoluments of the office held by him, he shall not while receiving the emoluments of that office receive any greater amount of his compensation, if any, than with the emoluments of the said office is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office which he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds that office.

14. All sums payable under this Schedule by way of compensation shall be paid out of the Road Fund.

15. For the purposes of this Schedule the expression "emoluments" includes fees and salaries, and the expression "local authority" means any local authority as defined in section three of the Local Government and other Officers Superannuation Act, 1922. 12 & 13 Geo. 5. c. 59.

FIFTH SCHEDULE.

Section 122.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Will. 4. c. 120.	The Stage Carriage Act, 1832.	The whole Act so far as it relates to public service vehicles.
3 & 4 Will. 4. c. 48.	The London Hackney Carriages Act, 1833.	The whole Act so far as it relates to public service vehicles.

5th Sch. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Will. 4. c. 50.	The Highways Act, 1835.	Section seventy-six so far as it relates to motor vehicles and trailers.
5 & 6 Vict. c. 79.	The Railway Passenger Duty Act, 1842.	Sections thirteen to fifteen so far as they relate to public service vehicles.
6 & 7 Vict. c. 86.	The London Hackney Carriage Act, 1843.	The whole Act so far as it relates to public service vehicles.
10 & 11 Vict. c. 89.	The Town Police Clauses Act, 1847.	The provisions of the Act with respect to hackney carriages so far as they relate to public service vehicles.
13 & 14 Vict. c. 7.	The London Hackney Carriage Act, 1850.	The whole Act so far as it relates to public service vehicles.
16 & 17 Vict. c. 33.	The London Hackney Carriage Act, 1853.	The whole Act so far as it relates to public service vehicles.
16 & 17 Vict. c. 127.	The London Hackney Carriage (No. 2) Act, 1853.	The whole Act so far as it relates to public service vehicles.
24 & 25 Vict. c. 70.	The Locomotives Act, 1861.	The whole Act, except sections one, two, ten and fourteen.
28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act, except sections nine, ten and thirteen.
32 & 33 Vict. c. 115.	The Metropolitan Public Carriage Act, 1869.	Section five so far as it relates to public service vehicles.
41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act, 1878.	Section fifty-seven.
41 & 42 Vict. c. 58.	The Locomotives (Amendment) (Scotland) Act, 1878.	The whole Act.
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	Section twenty-three and Part II.

5th Sch. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section eighty-five the words from "and the following additional regulations" (so far as not repealed) to the end of the section.
52 & 53 Vict. c. 14.	The Town Police Clauses Act, 1889.	The whole Act so far as it relates to public service vehicles.
54 & 55 Vict. c. 63.	The Highways and Bridges Act, 1891.	Section four from "but no such order" to the end of the section.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Sections two hundred and seventy, two hundred and seventy-one and two hundred and seventy-two, so far as they relate to public service vehicles.
57 & 58 Vict. c. 37.	The Locomotive Threshing Engines Act, 1894.	The whole Act.
59 & 60 Vict. c. 36.	The Locomotives on Highways Act, 1896.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	Section sixty-five so far as it relates to public service vehicles.
61 & 62 Vict. c. 29.	The Locomotives Act, 1898.	The whole Act.
3 Edw. 7. c. 36	The Motor Car Act, 1903.	The whole Act.
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act, 1907.	Section seventy-eight.
7 Edw. 7. c. 55	The London Cab and Stage Carriage Act, 1907.	Section three so far as it relates to public service vehicles.
8 Edw. 7. c. 62	The Local Government (Scotland) Act, 1908.	Section thirteen so far as it relates to public service vehicles. Section twenty-four and subsections (1), (2), (5) and (6) of section twenty-five.
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act. 1916.	Section eleven.

5th Sch. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo 5. c. 72.	The Roads Act, 1920 -	Subsections (1) to (7) of section seven. Subsections (1) and (3) of section fourteen so far as they relate to public service vehicles. Sections fifteen and sixteen. The Second Schedule.
14 & 15 Geo. 5. c. 34.	The London Traffic Act, 1924.	Section nine.
15 & 16 Geo. 5. c. 71.	The Public Health Act, 1925.	Subsection (1) of section seventy-four.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty.

CHAPTER 44.

An Act to amend and consolidate the enactments relating to the drainage of land, and for purposes in connection with such amendment.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Drainage Authorities.

Drainage districts and drainage boards.

1.—(1) For the purpose of the drainage of land there shall be such drainage districts as are mentioned in this section and there shall be a drainage board for each such drainage district.

(2) The drainage board of a drainage district shall be a body corporate with power to hold land without licence in mortmain.

(3) Subject to the provisions of this Act, a drainage board shall exercise a general supervision over all matters

relating to the drainage of land within its district and shall have such other powers and perform such other duties as are conferred or imposed on drainage boards by this Act.

(4) The said drainage districts shall consist of the catchment areas constituted by or under this Act and such other drainage districts (whether within or outside catchment areas) as may be so constituted, and subject to and without prejudice to the provisions of this Act, any drainage districts or drainage areas constituted under the Land Drainage Act, 1861, or under that Act as amended by any subsequent enactment, or under any other enactments relating to the drainage of land, shall be deemed for the purposes of this Act to have been constituted under this Act, and the drainage boards or drainage authorities of all such last mentioned districts or areas shall be treated for those purposes as if they had been constituted under this Act as the drainage boards of those districts or areas.

24 & 25 Vict. c. 133.

(5) The districts (other than catchment areas) to be constituted as drainage districts under this Act shall be such areas as will derive benefit or avoid danger as a result of drainage operations.

PART II.

CATCHMENT AREAS AND CONSTITUTION AND POWERS OF CATCHMENT BOARDS.

Catchment areas.

2.—(1) The areas specified in Part I of the First Schedule to this Act shall be catchment areas for the purposes of this Part of this Act.

(2) The Minister may at any time, either on the application of or after consultation with the councils of the counties and county boroughs concerned, by order under this Part of this Act direct that any areas which are not for the time being included in the said First Schedule shall be added to the said Schedule, or that any area for the time being included in the said Schedule shall be removed therefrom, or that such alterations, whether by the combination or re-grouping of catchment areas or otherwise, as the Minister may think fit, shall be made in the said Schedule, and in particular, where the natural direction of the drainage of any land

Part II. —*cont.*

has been artificially altered, an order under this subsection may be made specifying the catchment area, if any, to which the land in question is to belong.

(3) An order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

(4) In this Act, unless the context otherwise requires, the expression "the river" in relation to a catchment area means the river to which the drainage of the area is directed, and the expression "river" includes an arterial drain.

Constitution of Catchment Boards and appointment of members.

3.—(1) Subject to the provisions of this Act, the drainage board of a catchment area (in this Act referred to as "the Catchment Board") shall be constituted by order made by the Minister under this Part of this Act and shall consist of such number of members, not being more than thirty-one, as the Minister may determine.

(2) The members of a Catchment Board shall be appointed as follows—

(*a*) one member shall be appointed by the Minister:

(*b*) such number, not being less than two-thirds of the remaining members, as the Minister may determine shall be appointed, whether from their own members or not, by the councils of the counties and of the county boroughs whose area, or any part of whose area, is situate within the catchment area:

(*c*) the residue of the members to be appointed shall be persons appointed by the Minister, after consultation with, and after taking into consideration nominations by, the internal drainage boards whose districts are within the catchment area, to represent those boards and that portion, if any, of the catchment area for which drainage boards might be, but have not been, constituted under this Act.

The councils of counties and county boroughs and the Minister in making appointments under this subsection shall have regard to the desirability of including, as far as practicable, among the members appointed by them persons having a practical knowledge of land drainage, and the councils of counties in making such appointments shall secure that adequate representation is given to the urban districts within the catchment area, having regard to the relative rateable values of the urban and rural districts therein.

(3) As respects the members of a Catchment Board to be appointed by councils of counties and of county boroughs, the number to be appointed severally by each of the said councils shall be such as the Minister may determine, having regard to the estimated amounts of the contributions to be made by those councils respectively towards the expenses of the Board:

Provided that—

(*a*) the number of the members of a Catchment Board to be appointed by the councils of county boroughs shall not in any case exceed one half of the aggregate number of the members to be appointed by the councils of counties and county boroughs; and

(*b*) pending the estimation of the said amounts, the Minister may make a provisional determination of the number of the members of the Catchment Board to be appointed severally as aforesaid.

(4) The provisions set out in Part II of the First Schedule to this Act shall have effect with respect to the members and proceedings of Catchment Boards.

(5) The Minister shall as soon as may be after the passing of this Act take such steps as are necessary for constituting in accordance with the provisions of this section Catchment Boards for the catchment areas specified in Part I of the First Schedule to this Act.

Schemes for transfer of powers and duties to Catchment Boards and reorganisation of internal drainage boards.

4.—(1) Every Catchment Board—

(*a*) shall as soon as may be after it has been constituted prepare and not later than such date as may be appointed by the Minister for the purposes of this provision, either generally or in relation to a particular Catchment Board, submit to him for confirmation a scheme making provision—

(i) for the transfer to the Catchment Board of all such rights, powers, duties, obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the main river as were immediately before the commencement

Part II. —*cont.*

of this Act vested in or to be discharged by any drainage authority, and of any property held by the authority for the purpose of, or in connection with, any functions so transferred; and

(ii) for any matters supplemental to or consequential on the transfer aforesaid; and

(*b*) shall within a further period expiring on such later date as may be appointed by the Minister for the purposes of this provision, either generally or in relation to a particular Catchment Board, prepare and submit to him for confirmation a further scheme or further schemes making provision for the following matters:—

(i) the alteration of the boundaries of any internal drainage district:

(ii) the amalgamation of the whole or any part of any internal drainage district with any other such district:

(iii) the abolition as from such date as may be specified in the scheme of all Commissioners of Sewers exercising jurisdiction within the catchment area or, in the case of Commissioners of Sewers who exercise jurisdiction partly within and partly without the catchment area, the abrogation of the powers of those Commissioners within the catchment area:

(iv) the abolition or reconstitution of any internal drainage district and of the drainage board thereof:

(v) the constitution of new internal drainage districts within the catchment area:

(vi) the constitution of drainage boards for all or any of the separate drainage districts constituted by the scheme:

(vii) where it appears desirable so to provide in the case of any existing drainage board, the amendment of the method of constituting that board so far as is necessary to secure that the members of the board shall be persons elected as such members in accordance with the provisions in that behalf contained in Part V of this Act:

(viii) the making of alterations in, and the addition of supplemental provisions to, the provisions of any local Act or of any award made under any such Act, where such alterations or supplemental provisions are necessary or expedient for enabling the area for the benefit of which drainage works are authorised by the local Act or award to be drained effectually:

(ix) any matters supplemental to or consequential on the matters aforesaid for which it appears necessary or desirable to make provision, including the transfer to new drainage boards of any property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the Catchment Board or internal drainage boards affected by the scheme.

(2) As soon as any such scheme has been submitted to the Minister, the Catchment Board shall send copies thereof to the council of every county, county borough and county district and every drainage board, navigation authority, harbour authority and conservancy authority affected thereby and shall publish in one or more newspapers circulating in the area affected by the scheme a notice stating that the scheme has been submitted to the Minister and that a copy thereof is open to inspection at a specified place, and that representations with respect to the scheme may be made to the Minister at any time within one month after the publication of the notice.

(3) The Minister may by order under this Part of this Act confirm any scheme so submitted, either with or without modifications:

Provided that an order confirming a scheme under paragraph (*b*) of subsection (1) of this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

(4) A scheme under the said paragraph (*b*) may provide for the revocation or amendment of, and for the retransfer of property, rights, powers, duties, obligations and liabilities transferred by, any previous scheme under this section.

PART II. —*cont.*

Maps of catchment areas.

5.—(1) It shall be the duty of the Minister as soon as may be to cause to be prepared, in relation to each catchment area, a map determining the extent of the catchment area and showing by some distinctive colour that part of the channel of the river which is to be treated as the main river for the purposes of this Part of this Act and the watercourses which are for those purposes to be deemed to be part of the main river.

As soon as a map of a catchment area has been prepared the Minister shall cause to be published, in one or more newspapers circulating in the area, a notice stating that the map has been prepared and specifying the place at which a copy of the map may be inspected and the time, not being less than one month, within which and the manner in which objections thereto may be made.

(2) On the expiration of the time within which objections may be made as aforesaid, the Minister shall, if no objections have been made, forthwith approve the map as prepared and, if any objections have been made, shall take those objections into consideration and after so doing proceed to approve the map, either as prepared or with such variations as he thinks proper.

(3) The Minister may at any time, on the application of the Catchment Board and after giving notice of his intention so to do in such manner as he thinks best adapted for informing persons affected and after considering any objections made to him, vary the map of the catchment area so far as relates to the extent of the main river.

(4) The map of any catchment area as approved or as varied in accordance with the provisions of this section shall be conclusive evidence for all purposes as to the extent of the catchment area and as to what is the main river.

(5) A map in force under this section shall for the purposes of the Documentary Evidence Acts, 1868 to 1895, be deemed to be a document issued by the Minister.

(6) The Minister shall, so soon as may be after the constitution of a Catchment Board, supply to the Catchment Board a copy of the map of the catchment area as approved by him, and if at any time thereafter he varies the map he shall supply to that board a copy of the map as varied.

PART II. —*cont.*

Powers in relation to main river.

6.—(1) The powers conferred by this Act on drainage boards shall, so far as concerns the main river, including the banks thereof, and drainage works in connection with the main river, be exercisable solely by the Catchment Board.

(2) Where a catchment area abuts on the sea or on any estuary, the Catchment Board of that area may construct all such works and do all such things in the sea or in that estuary as may, in their opinion, be necessary to secure an adequate outfall for the main river.

(3) If the main river or any part thereof is at the commencement of this Act vested in any other drainage authority, it shall, by virtue of this Act, vest in the Catchment Board.

(4) A Catchment Board may enter into an agreement with the council of any borough or urban district or with any navigation authority for the carrying out by the council or authority, on such terms as to payment and otherwise as may be specified in the agreement, of any work in connection with the main river which the Catchment Board are authorised to carry out.

(5) If any question arises under this section whether any work is, or whether any proposed work will if constructed be, a drainage work in connection with the main river, the question shall be referred to the Minister for decision, or, if either of the parties so requires, to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

Supervision of internal drainage boards and districts.

7.—(1) A Catchment Board shall exercise a general supervision with respect to the drainage of the catchment area, and may for the purpose of securing the efficient working and maintenance of existing drainage works within the catchment area and the construction of such new drainage works as may be necessary, give such general or special directions as they consider reasonable for the guidance of the internal drainage boards with respect to the exercise and performance by those boards of their powers and duties as such.

(2) Without prejudice to the provisions of subsection (1) of this section, an internal drainage board shall not—

(*a*) except with the consent (not to be unreasonably withheld) of the Catchment Board, construct

Part II. —*cont.*

any drainage works within the catchment area or alter any existing drainage works within that area, if the construction or alteration will in any way affect the interests of, or the working of any drainage works belonging to, any other internal drainage board; or

(*b*) otherwise than by way of maintaining an existing work, construct or alter any structure, appliance or channel for the discharge of water from their district into the main river except on such terms as may be agreed between the Catchment Board and the internal drainage board or in default of agreement be determined by the Minister:

Provided that nothing in this subsection shall apply to any work whether of construction or alteration which has been begun before the commencement of this Act.

(3) If an internal drainage board acts in contravention of the last foregoing subsection, the Catchment Board shall have power themselves to execute any works and do any things which are in their opinion necessary in order to prevent or remedy any damage which may result or has resulted from the action of the internal drainage board, and shall be entitled to recover from that board summarily as a civil debt the amount of any expenses reasonably incurred by them in the exercise of the said power.

(4) If any question arises under this section—

(*a*) whether the consent of the Catchment Board is unreasonably withheld; or

(*b*) whether any expenses have been reasonably incurred by the Catchment Board in pursuance of this section; or

(*c*) whether any work was begun before the commencement of this Act;

that question shall be referred to the Minister for decision.

(5) Where the Minister gives any decision under this section, he shall make and cause to be laid before Parliament a report giving particulars of the question referred to him and of the reasons for his decision.

Power to vary awards.

8.—(1) Where any award made under any public or local Act contains any provision which in any manner affects or relates to land drainage in a catchment area (including any provision affecting the powers or duties of any drainage authority or other person with respect to land drainage in the catchment area) the Catchment Board may submit to the Minister for confirmation a scheme for revoking, varying or amending that provision.

(2) A scheme under this section with respect to any award may—

(*a*) provide for commuting on the basis on which the obligations to which the next following section of this Act relates are to be commuted, the obligation of any person under the award to repair or maintain any drainage works;

(*b*) contain such incidental, consequential or supplemental provisions as are necessary or proper for the purpose of the scheme;

(*c*) be revoked or varied by a subsequent scheme submitted by the Catchment Board and confirmed in manner aforesaid.

(3) The Minister may by order under this Part of this Act confirm any scheme so submitted, either with or without modifications:

Provided that an order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

Commutation of obligations to repair by reason of tenure, &c.

9.—(1) It shall be the duty of every Catchment Board to take steps for the commutation of all obligations imposed on persons by reason of tenure, custom, prescription or otherwise, to do any work (whether by way of repairing of banks, maintaining of watercourses or otherwise) in connection with the main river.

(2) It shall be the duty of the Catchment Board to give, in such manner as the Minister may direct, notice of any proposal to commute any obligation to which this section applies, the terms on which it is to be commuted and of the time within which objection to the proposal may be made, and if within one month after such notice as aforesaid has been given the person on whom the obligation is imposed gives notice to the Board of his objection to the proposal, the question

Part II. —*cont.*

whether the Board shall proceed to commute the obligation shall be referred to the Minister, whose decision thereon shall be final.

(3) Any capital sum or terminable annuity fixed under this section shall, notwithstanding any agreement to the contrary between the owner and any lessee of the land, be payable by the owner.

(4) Where any obligation is commuted under this section, any person who would, but for the commutation, be entitled to any exemption in respect of drainage rates, either absolutely as being the person subject to the obligation or conditionally on performance of the obligation, shall be entitled absolutely to a like exemption.

(5) The sum to be paid in respect of the commutation of any such obligation shall be such sum as the Catchment Board may in accordance with the provisions of the next following subsection by order determine, and the sum so determined shall be payable by way either of a capital sum or of a terminable annuity for a period not exceeding thirty years, at the option of the owner, and shall be charged on the land in respect of which the obligation existed, and shall have priority over any other incumbrances charged on that land by the owner thereof, whether before or after the passing of this Act, other than charges under the Lands Improvement Act, 1864, whether created before or after the charge under this subsection.

(6) For the purpose of determining the sum to be paid in respect of the commutation of any obligation, the Catchment Board shall ascertain the amount which, in their opinion, fairly represents the probable average annual cost, taking one year with another, of executing and maintaining in a due state of efficiency the works which are required to be executed and maintained by virtue of the obligation to be commuted, and the Catchment Board shall fix the capital sum or terminable annuity to be paid in respect of the commutation accordingly:

Provided that, in fixing the said capital sum or terminable annuity no account shall be taken of so much of the probable annual average cost as is in the opinion of the Catchment Board attributable to the fact that, by reason of improvements effected since the first day of January, nineteen hundred, in the drainage of the land drained by the main river, or to alterations effected since that date in the method of cultivation thereof, the volume of water which is discharged into the main river at any time is greater than that which would have been so discharged if the said improvements or alterations had not been effected.

(7) If any person is aggrieved by any determination of the Catchment Board under this section as regards the sum to be paid in respect of the commutation of any obligation, he may, at any time within three months after the date on which the determination of the Catchment Board is notified to him by the Board, require the matter to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers, and on any such reference the arbitrator may either confirm, vary or set aside the determination of the Catchment Board as he thinks proper.

(8) A record of any such charge as aforesaid shall be entered in a register to be kept for the purpose by the clerk of the Catchment Board, and a copy of any such record purporting to be certified by the said clerk as a true copy shall be receivable in evidence in all legal proceedings.

Exercise by Catchment Board of powers of drainage board in default.

10.—(1) Where, in the opinion of a Catchment Board, any land in the catchment area is injured or likely to be injured by flooding or inadequate drainage which might be remedied wholly or partially by the exercise of drainage powers which are vested in any internal drainage board and which either are not being exercised at all, or, in the opinion of the Catchment Board, are not being exercised to the necessary extent, the Catchment Board may exercise all or any of those powers and also any power vested in the said drainage board for the purpose of defraying expenses incurred in the exercise by that board of the said powers or for any purpose incidental to the exercise of any such powers:

Provided that the Catchment Board shall, before exercising any such powers, give to the drainage board in whose default they propose to exercise the said powers not less than thirty days' notice in writing of their intention so to do and if, before the expiration of the period of notice, the drainage board intimate in writing to the Catchment Board their objection to the exercise

PART II. —*cont.*

by that Board of the powers, that Board shall not exercise the powers except with the consent of the Minister, who may, if he thinks fit, cause a public local inquiry to be held with respect to the objection.

(2) Where in pursuance of this section a Catchment Board is exercising the powers of a drainage board, any person authorised in that behalf by the Catchment Board may, so far as is reasonably necessary for the purpose of and in connection with the exercise by the Catchment Board of those powers, at all reasonable times inspect and take copies of any deeds, maps, books, papers or other documents which are in the possession of the drainage board and relate to land drainage in the district of the drainage board.

(3) Any person who obstructs or impedes any person authorised as aforesaid in the execution of his powers under this section shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

(4) A Catchment Board may, on the application of the council of any county or county borough the whole or any part of the area of which is within the catchment area, direct that the powers conferred by this section shall, as respects land in the area or that part of the area of the county or county borough, be exercisable by the council of the county or county borough instead of by the Board.

If a Catchment Board refuses to comply with any such application, the council by which the application was made may appeal against the refusal to the Minister, and the Minister may, if he thinks fit, require the Board to comply with the application.

A Catchment Board may, subject to the consent of the Minister, and on giving the council concerned not less than six months' notice of their intention so to do, revoke any direction given under this subsection, without prejudice to the power of the Board to give a new direction.

Power to transfer functions of internal drainage

11. The Minister may, on a petition in that behalf presented to him by the Catchment Board of any catchment area, by order under this Part of this Act transfer to the Catchment Board the powers, duties, liabilities, obligations and property (including deeds, maps, books, papers and other documents) of the drainage board of any internal drainage district, and thereupon the Catchment Board shall become the drainage board of that district for the purposes of this Act, and any expenses incurred by the Catchment Board as the drainage board of that district shall be defrayed under and in accordance with the powers so transferred and not in any other manner:

board to Catchment Board.

Provided that an order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

Power of Minister to give directions with respect to the performance of duties by Catchment Boards.

12.—(1) On complaint being made to the Minister by the council of any county, county borough or county district, or by any internal drainage board, that a Catchment Board have failed to exercise any of the powers conferred on the Board for the purpose of maintaining the main river in a due state of efficiency which they ought to have exercised, the Minister shall, if he thinks that there is reasonable ground for the complaint, call on the Board for an explanation, and if the Board do not within such time as the Minister may fix give a sufficient explanation or remedy the cause of complaint, the Minister may give such directions in the matter as in the circumstances of the case appear to him to be proper, and it shall be the duty of the Catchment Board to comply with any directions so given.

(2) Where the Minister gives any directions to a Catchment Board under this section, he shall make and cause to be laid before Parliament a report setting out the directions and stating the reasons for which they were given.

Provisions with respect to the making and validity of orders.

13. The provisions set out in Part I of the Second Schedule to this Act shall have effect with respect to the making of all orders under this Part of this Act, the provisions set out in Part II of that Schedule shall have effect with respect to the making of such orders under this Part of this Act as are, if opposed, to be provisional only, and the provisions set out in Part III of that Schedule shall have effect with respect to the validity of such orders under this Part of this Act as are not confirmed by Parliament.

PART II.
—*cont.*

Provision as to expenses in connection with orders under Part II.

14. An order under this Part of this Act may contain provisions with respect to the persons by whom the expenses or any of the expenses incurred by the Minister or other persons in connection with the making or confirmation of the order (including, in the case of an order confirming a scheme, expenses incurred in connection with the making of the scheme) are to be borne or the rates upon which the expenses are to be charged.

Powers of Catchment Boards as to Bills in Parliament and Provisional Orders.

15. A Catchment Board may promote or oppose Bills in Parliament and apply for or oppose applications for Provisional Orders or other statutory orders.

Certain local Acts not to apply in catchment areas.
11 & 12 Geo. 5. c. lxxxviii.
13 & 14 Geo. 5. c. xcviii.
15 & 16 Geo. 5. c. cxv.

16. The Lancashire County Council (Drainage) Act, 1921, the West Riding of Yorkshire County Council (Drainage) Act, 1923, and Part III of the Surrey County Council Act, 1925, shall not apply to any area which is for the time being within a catchment area for which a Catchment Board has been constituted.

PART III.

DRAINAGE DISTRICTS AND DRAINAGE BOARDS OUTSIDE CATCHMENT AREAS.

Constitution of drainage districts and drainage boards outside catchment areas.

17.—(1) The Minister may by order under this Part of this Act constitute any area which is not comprised in a catchment area a separate drainage district, and include therein the whole or any part of any existing drainage district which is not comprised in a catchment area and provide for the constitution of the drainage board for the district.

(2) Provision may be made by an order under this Part of this Act—

(*a*) for altering the boundaries of any drainage district or drainage area;

(*b*) for abolishing or reconstituting any drainage district and the drainage board thereof;

(*c*) where it appears desirable so to provide in the case of any existing drainage board, for amending the method of constituting that board so far as is necessary to secure that the members of the board shall be persons elected as such members in accordance with the provisions in that behalf contained in Part V of this Act;

(*d*) for altering or supplementing in any respect the provisions of any local Act, or of any award made under any such Act, where in the opinion of the Minister such alterations or supplemental provisions are necessary or expedient for enabling the area for the benefit of which drainage works are authorised by the local Act or award to be drained effectually;

(*e*) for abolishing as from such date as may be specified in the order any Commissioners of Sewers, or if the jurisdiction of the Commissioners extends into a catchment area, for abrogating their powers outside the catchment area;

and any such order may contain any incidental, consequential or supplemental provisions which appear to be necessary or proper for the purposes of the order.

Provision as to petitions and procedure for making orders.

18.—(1) The Minister may, on the receipt of such a petition as is mentioned in this section or, in the case of the constitution of a separate drainage district, the alteration of the area of any drainage district, or the abolition of Commissioners of Sewers, on his own initiative and without any petition, after making such inquiries as he thinks necessary, and after consultation with the council of any county or county borough affected by the proposed order or any committee thereof appointed for the purpose, prepare a draft order to carry the petition into effect, or, as the case may be, to constitute or alter the district or abolish the Commissioners of Sewers.

(2) A petition for an order may be presented, in the case of a proposal to alter or supplement a local Act conferring powers on a drainage authority, by that authority, or by the council of any administrative county or county borough in which any part of the drainage area of that authority is situate, and in other cases by—

(*a*) the owners of one tenth of the land within the area proposed to be constituted a separate drainage district, or of the area proposed to be added to or excluded from a drainage district; or

(*b*) the drainage board or authority of a drainage district or area proposed to be altered; or

(*c*) the council of any county or county borough in which any part of the land proposed to be affected by the order is situate.

PART III. —*cont.*

(3) An order under this Part of this Act shall, if opposed, be provisional only and have no effect until confirmed by Parliament, and the provisions set out in the Second Schedule to this Act shall have effect with respect to the making and validity of such orders.

(4) An order made under this Part of this Act may be revoked, altered, or amended by a subsequent order made by the Minister under and in accordance with the provisions of this section.

Expenses in connection with orders.

19.—(1) The expenses of the Minister and, if and so far as the order so directs, the expenses of the petitioners, in relation to the making or confirmation of an order under this Part of this Act, shall be defrayed as follows:—

(*a*) where a petition has been presented for the order and the order is made and comes into force, then—

(i) if the order is made on a petition for the constitution of a separate drainage district, the expenses shall be a first charge on the rates leviable in the district constituted by the order;

(ii) if the order is made on a petition for the alteration or definition of the boundaries of a drainage district or area, the expenses shall be a first charge on the drainage rates leviable by the drainage board or drainage authority in the district as altered or defined by the order, or, where more than one district or area is so altered, on the drainage rates leviable within those districts or areas in such proportions as the Minister directs;

(iii) if the order is made on a petition for altering or supplementing the powers conferred on the drainage authority by a local Act or award, the expenses shall be a first charge on the drainage rates leviable by the drainage authority;

(iv) if an order is made on a petition for the abolition of Commissioners of Sewers and the area of the Commissioners is constituted a separate drainage district or amalgamated with an existing drainage district, the expenses shall be a first charge on the drainage rates leviable in that district, or, where one part of the area of the Commissioners is amalgamated with one drainage district and another part of the area is amalgamated with another drainage district, shall be a first charge on the drainage rates leviable in those districts respectively in such proportions as the Minister directs:

(*b*) where a petition has been presented for the order and the order is not made, the expenses shall be paid by the petitioners:

(*c*) where a petition has not been presented for the order, the expenses shall, if the order is made, be defrayed, if and so far as the order so directs, in the same manner as if a petition for the order had been presented, and subject as aforesaid the expenses shall be defrayed by the Minister.

(2) The petitioners for an order under this Part of this Act shall give such security for expenses as may be required by the Minister.

PART IV.

FINANCIAL PROVISIONS.

Expenses of Catchment Board.

20.—(1) Subject to the provisions of this Part of this Act, the expenses under this Act of a Catchment Board in so far as they are not met otherwise shall—

(*a*) if the catchment area is wholly comprised within, or is co-terminous with, one administrative county, be paid to the Board by the council of that county; and

(*b*) in any other case, be apportioned by the Board among the councils of the several counties and county boroughs which are situate within, or extend into, the catchment area on the basis of the totals of the rateable values of all such hereditaments in the respective areas of those councils as are situate within the catchment area.

(2) For the purposes of any apportionment of expenses to be made under this section, the rateable values of hereditaments shall be taken to be the rateable

Part IV. —*cont.*

values thereof as shown in the valuation lists in force on the first day of the period of account in which those expenses are chargeable.

(3) In this Act the word "expenses" includes any costs, charges or expenses incurred or to be incurred by a Catchment Board in the execution of this Act, including the interest on, and provision for the repayment of, any moneys from time to time borrowed by the Catchment Board under the provisions of this Act.

(4) The councils of the several counties and county boroughs which are situate within or extend into the catchment area of a Catchment Board shall, from time to time, if and when so required by the Catchment Board, furnish to the Catchment Board a true and correct statement of the totals of the rateable values of all such hereditaments in the respective areas of those councils as are situate within the catchment area of the Catchment Board.

Contributions by internal drainage board to Catchment Board and by Catchment Board to internal drainage board.

21.—(1) Subject to the provisions of the next succeeding subsection, a Catchment Board shall by resolution require each internal drainage board to make towards the expenses of the Catchment Board such contribution as the Catchment Board may consider to be fair.

(2) Where an internal drainage district within a catchment area (in this subsection referred to as a "main internal drainage district") comprises two or more minor internal drainage districts, the Catchment Board shall not, subject as hereinafter provided, require the drainage board of the main internal drainage district to make any contribution towards the expenses of the Catchment Board except in respect of such part, if any, of the main internal drainage district as is not situate within any minor internal drainage district:

Provided that the Catchment Board, after determining what contribution should be made by the drainage board of each of the minor internal drainage districts, may, if they think fit, require the drainage board of the main internal drainage district to pay direct to the Catchment Board an amount equal to the aggregate of those contributions, and if the Catchment Board make such a requisition, the drainage board of the main internal drainage district shall raise the amount so paid by them to the Catchment Board by means of drainage rates levied by them within the main internal drainage district or, as the case may be, such part thereof as is situate within some minor internal drainage district.

(3) Where it appears to an internal drainage board that, by reason of the quantity of water which their district receives from lands at a higher level, or by reason of the time which will elapse before their district obtains any relief from the operations of the Catchment Board on the main channel of the river, it is fair that a contribution towards their expenses should be made by the Catchment Board, they may make an application to the Catchment Board, and that Board may resolve to make to the internal drainage board such contribution, if any, as may be specified in the resolution.

(4) A resolution under this section may be acted upon by the Board forthwith, notwithstanding that the time for bringing an appeal under the next succeeding subsection has not expired or that an appeal so brought is pending, and, in the event of an appeal being so brought, the Minister shall by his order direct such adjustment to be made in respect of any sums recovered or paid in pursuance of the resolution as may be necessary in order to give effect to his decision.

(5) If—

(*a*) an internal drainage board is aggrieved by a resolution of a Catchment Board under this section, either determining the amount of any contribution or refusing to make a contribution; or

(*b*) the council of any county or county borough which, or any part of the area of which, is within the catchment area is aggrieved by any such resolution on the ground, either that the amount of the contribution required to be made by an internal drainage board is inadequate or that the contribution to be made by the Catchment Board is excessive;

the internal drainage board or the council, as the case may be, may, within six weeks after the date on which notice of the resolution is given by the Catchment Board to the internal drainage board, appeal to the Minister against the resolution, and the Minister may, after considering any objections made to him and, if he thinks

Part IV. —*cont.*

fit, holding a local public enquiry, make such an order in the matter as he thinks just.

(6) Where the Minister makes an order under this section, he shall make and cause to be laid before Parliament particulars of the matter in respect of which the appeal was made and of the reasons for his order.

(7) Compliance with any order made by the Minister under this section may be enforced by mandamus.

Precepts issued by Catchment Board.

22.—(1) A Catchment Board may issue precepts to the councils of counties and county boroughs and to internal drainage boards requiring payment of any amount payable by, apportioned upon, or required to be contributed by those councils and boards under either of the two last preceding sections, and, subject to the provisions of subsection (2) of this section, a council or an internal drainage board shall pay, in accordance with any precept so issued to it, the amount thereby demanded.

(2) The aggregate amount which may be demanded under this Part of this Act in any one financial year by a Catchment Board from the council of any county or county borough shall not, except with the consent of the majority of those members of the Catchment Board who are appointed by the councils of counties and county boroughs, exceed the estimated amount which would be produced by a rate of twopence in the pound levied on that part of the county or county borough which is within the catchment area:

Provided that, where the Catchment Board has borrowed or is about to borrow any money in pursuance of this Act, the foregoing provisions shall, if the said members or the majority thereof so resolve, have effect during the currency of the loan as if the said sum of twopence were increased by such amount as is specified in the resolution.

In this subsection the expression "financial year" means a year ending on the thirty-first day of March.

(3) It shall be the duty of a Catchment Board to prepare, in a form to be prescribed by the Minister, a statement of the purposes to which the amount demanded by any precept issued by the Board under this section is intended to be applied and of the basis upon which it is

calculated, and to send a copy of such statement with every precept to which it relates.

(4) There shall not be any obligation upon any county or county borough council or upon any internal drainage board to pay the amount demanded by any precept issued under this section until such council or board have received the statement referred to in subsection (3) of this section.

(5) Compliance with any precept issued by a Catchment Board in accordance with the provisions of this section may be enforced by mandamus.

Expenses of county councils and county borough councils.

23.—(1) Any amount due under this Part of this Act from a county council to a Catchment Board shall be defrayed in one or other of the following ways according as the county council, having regard to the benefit, if any, derived by various areas, think just and equitable, that is to say—

(*a*) as expenses for general county purposes; or

(*b*) as expenses for special county purposes chargeable on such part or parts of the county within the catchment area as the council think fit; or

(*c*) by apportioning it between, and charging it on, such portions of the catchment area, and in such proportions, as the council think fit, and by the issue of precepts accordingly to rating authorities.

(2) Any amount due under this Part of this Act from the council of a county borough to a Catchment Board shall be defrayed in one or other of the following ways according as the council of the borough, having regard to the benefit, if any, derived by various areas, think just and equitable, that is to say :—

(*a*) out of the general rate fund of the borough; or

(*b*) out of the proceeds of an additional item of the general rate levied in such part of the borough within the catchment area as the council think fit; or

(*c*) out of the proceeds of several additional items of the general rate levied at such differential rates, and in such parts of the borough within the catchment area, as the council think fit.

PART IV. —*cont.*

Rating powers of drainage boards other than Catchment Boards.

24.—(1) The expenses under this or any other Act of a drainage board other than a Catchment Board (including in the case of an internal drainage board any contribution made by the board towards the expenses of the Catchment Board) shall, in so far as they are not met by contributions from a Catchment Board, be raised by means of drainage rates made under and in accordance with this Act by the drainage board.

(2) A rate made by a drainage board may be either—

(*a*) an owner's drainage rate, that is to say, a rate raised for the purpose of defraying expenses incurred in connection with new works or the improvement of existing works and charges in respect of contributions to be made by the board to a Catchment Board; or

(*b*) an occupier's drainage rate, that is to say, a rate raised for the purpose of defraying any other expenses or charges:

Provided that as regards any rates raised in order to defray expenses incurred, or charges in respect of liabilities incurred, before the commencement of this Act, the provisions as to the incidence of rates contained in section thirty-eight of the Land Drainage Act, 1861, or, in the case of rates raised under any local Act, the corresponding provisions in that Act, shall have effect in substitution for the provisions of this subsection.

(3) Every owner's drainage rate and every occupier's drainage rate shall, subject as hereinafter provided, be assessed and levied by the board on the occupiers of hereditaments in the drainage district in accordance with the provisions of this section:

Provided that, for the purposes of this Part of this Act, the owner of any hereditament shall be deemed to be the occupier thereof during any period during which it is unoccupied.

(4) Every rate made by a drainage board shall be an annual value rate, that is to say, a rate assessed on the basis of annual value as regards all hereditaments, and, subject to the provisions of this section, every drainage rate shall be assessed at a uniform amount per pound throughout the area—

(*a*) in the case of agricultural land, on the annual value of the land; and (*b*) in the case of any other land, on one-third of the annual value thereof :

Part IV. —*cont.*

Provided that, where at the commencement of this Act a drainage board was levying drainage rates on the basis of acreage, or partly on the basis of acreage and partly on the basis of annual value, any rate made by that board at any time within the period of six months next following the commencement of this Act may be made on any basis on which it might have been made if this section had not been passed.

(5) For the purposes of this section, land which is used as a railway constructed under the powers of any Act of Parliament for public conveyance shall be deemed to be of the same character and annual value as the land immediately adjoining, and, if the land adjoining on the one side and the land adjoining on the other side differ in character or annual value, the land used as such a railway as aforesaid shall be treated as if it were divided into two parts by a line drawn along the centre thereof and each part shall be deemed to be of the same character and annual value as the land adjoining that part:

Provided that the annual value of the adjoining land shall for the purposes of this subsection be deemed to be reduced by such proportion thereof, if any, as is in the opinion of the drainage board ascribable to buildings.

(6) A drainage board, after consultation in the case of an internal drainage board with the Catchment Board, may, if having regard to all the circumstances of the case they think that it is just so to do, make and levy differential rates, and may for that purpose from time to time by order divide the district into sub-districts and determine the proportion which the amount per pound of annual value to be assessed upon the occupiers of hereditaments in any sub-district shall bear to the amount to be assessed on the occupiers of hereditaments in any other sub-district within the drainage district.

So long as any such order is in force, the provisions of the five last preceding subsections shall apply in the case of a sub-district as they apply in the case of a drainage district not divided into sub-districts.

(7) A drainage board, after consultation in the case of an internal drainage board with the Catchment Board, may by order determine that no rates shall be

Part IV. —*cont.*

levied by them on the occupiers of hereditaments in any portion of the district which, in their opinion, either by reason of its height above sea level or for any other reason, ought to be exempted wholly from rating.

(8) When an order is made by a drainage board under this section the board shall submit the order to the Minister and shall forthwith thereafter publish in one or more newspapers circulating in their area a notice stating that the order has been submitted to the Minister, and that a copy thereof is open to inspection at a specified place, and that representations with respect thereto may be made to the Minister within one month after the publication of the notice.

(9) The Minister shall forthwith take into consideration any order submitted to him under this section and no such order shall have any effect unless and until it is confirmed by the Minister.

(10) Any order made by a drainage board under this section may be varied or revoked by a subsequent order.

Drainage rates in urban areas.

25.—(1) The rating authority of an urban district some part of which is situate within a drainage district and the drainage board of that drainage district may agree that, so long as the agreement is in force, no drainage rate made by the drainage board shall be levied by them upon the occupiers of hereditaments within that part of the urban district, but that the rating authority shall pay to the drainage board within two months after the making of any drainage rate a sum equal to the aggregate of the amounts which the drainage board would have been entitled to demand and recover in respect of that rate from the occupiers of hereditaments within that part of the urban district.

(2) Any sum payable by an urban rating authority under this section shall be paid by them out of the proceeds of an additional item of the general rate levied in that part of the urban district.

Operation and incidence of drainage rates.

26.—(1) Every rate made by a drainage board shall be made in writing under the common seal of the board, and shall be deemed to be made on the date on which a resolution is passed by the board authorising their seal to be affixed to the rate.

(2) Subject as hereinafter provided, every drainage rate shall be made in respect either of a period of twelve months or a period of six months, as the drainage board may determine, and in the case of the last rate made in respect of any financial year as fixed for the purpose of making up the accounts of the board, the last day of the period shall be the last day of the financial year:

Provided that, notwithstanding anything in this subsection—

(*a*) a drainage board may at any time make a supplementary rate in respect of any period within a financial year, if they think it necessary to do so having regard to the requirements of their district; and

(*b*) the first rate made by a drainage board under this Act may be made in respect of such period as may be necessary to enable the board to comply with the provisions of this subsection in the case of subsequent rates.

(3) Every drainage rate and every demand for a drainage rate shall be in the prescribed form.

(4) The following provisions shall have effect with respect to the assessing of persons to a drainage rate in respect of any hereditament, and their liability in regard to the rate:—

(*a*) every rate shall be assessed upon the person who at the date of the making of the rate is, or is deemed to be, the occupier of the hereditament:

(*b*) the full amount of any rate may be recovered by the drainage board from any person who is, or is deemed to be, the occupier of the hereditament at any time during the period in respect of which the rate is made:

(*c*) the occupier of any hereditament shall be entitled to recover from the owner thereof any amount paid by him on account of an owner's drainage rate:

(*d*) where a person who is, or is deemed to be, the occupier of a hereditament is, or is deemed to be, in occupation thereof for part only of the period in respect of which an occupier's drainage rate is made, he shall, but subject

Part IV. —*cont.*

and without prejudice to the provisions of paragraph (*b*) of this subsection, be chargeable with such part only of the total amount of the rate as bears to that total amount the same proportion as the number of days during which he is, or is deemed to be, in occupation bears to the total number of days comprised in the said period:

(*e*) any person who has under paragraph (*b*) of this subsection been required to pay to the drainage board in respect of an occupier's drainage rate any sum in excess of the amount properly chargeable against him in accordance with the provisions of paragraph (*d*) of this subsection, shall, subject to the provisions of any agreement to the contrary, be entitled to recover from any other person who was, or is deemed to have been, the occupier of the hereditament during any part of the said period so much of any sum so paid in excess as is properly chargeable against that other person by virtue of the said paragraph (*d*).

(5) Where the name of any person liable to be assessed to any rate is not known to the drainage board, it shall be sufficient to assess him by the description of the "occupier" of the premises (naming them) in respect of which the assessment is made, without further name or description.

(6) A drainage board shall not be required to enforce payment of any rate in any case where the amount payable is in their opinion insufficient to justify the expense of collection.

Publication of drainage rate.

27.—(1) Notice of every drainage rate shall be given by the drainage board within ten days of the making thereof, and the rate shall not be valid unless notice thereof is duly given in accordance with this section.

(2) Any such notice may be given, as the drainage board think fit, either by affixing the notice within the said period of ten days in one or more public or conspicuous places or situations in the drainage district, or by publishing the notice within the said period in one or more newspapers circulating in the drainage district.

Part IV. —*cont.*

Amendment of rate.

28.—(1) A drainage board may at any time make such amendments in a drainage rate, being either the current or the last preceding rate, as appear to them necessary in order to make the rate conform with the provisions of this Part of this Act relating to drainage rates, and in particular may—

(*a*) correct any clerical or arithmetical error in the rate:

(*b*) correct any erroneous insertions or omissions or any misdescriptions:

(*c*) make such additions to or corrections in the rate as appear to the board to be necessary by reason of—

  (i) any change in the occupation of any hereditament; or

  (ii) any property previously rated as a single hereditament becoming liable to be rated in parts.

(2) Where in pursuance of this section a drainage board make any amendment in a rate, they shall serve notice of the amendment on the owner and occupier of every hereditament affected thereby.

Meaning of "agricultural land" and of "annual value."

29.—(1) In this Part of this Act—

The expression "agricultural land" means any land used as arable, meadow or pasture ground only, land used for a plantation or a wood or for the growth of saleable underwood, land exceeding one quarter of an acre used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act, 1922, but does not include land occupied together with a house as a park, gardens (other than as aforesaid) pleasure grounds, or land kept or preserved mainly or exclusively for purposes of sport or recreation, or land used as a race-course:

12 & 13 Geo. 5. c. 51.

The expression "annual value" in relation to any land means the gross annual value of that land as determined for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment.

8 & 9 Geo. 5. c. 40.

Part IV. —*cont.*

(2) Any apportionment of the gross annual value of any land which may be necessary for the purpose of determining the annual value of any land for the purposes of drainage rates shall be made by the drainage board, and, where any land is not assessed for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, the annual value thereof for the purposes of drainage rates shall be such value as may be determined by the drainage board.

(3) Where under the last preceding subsection a drainage board have made any apportionment or have determined any value, they shall serve notice of their decision upon both the owner and the occupier of the hereditament to which the decision relates, and the owner and the occupier, or either of them, may within twenty-eight days after the service of the notice, appeal against the apportionment or determination to a court of summary jurisdiction, whose decision shall be final.

(4) A drainage board may from time to time require the surveyors of taxes for their district to furnish to them, on payment at a rate not exceeding five shillings for every hundred entries numbered separately, a copy of the annual values for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, for all or any of the properties in that district.

Appeal against rates.

30.—(1) If any person, as being the occupier or owner of any hereditament in a drainage district, is aggrieved by a drainage rate, or an amendment of a drainage rate, upon any ground not being a ground upon which he might under the last preceding section have appealed to a court of summary jurisdiction, he may, subject to the provisions of this section, appeal against the rate, or the rate as amended, to the court of quarter sessions for the county or place in which the hereditament is situate.

(2) Notice of appeal under this section, specifying the grounds of the appeal, must be given within twenty-eight days after the date on which the rate was made or notice of the amendment was served on the appellant, as the case may be, to the court to which the appeal

is made and to the drainage board and also, if the appeal relates to a hereditament not in the occupation or ownership of the appellant, to the occupier and the owner of that hereditament.

(3) On an appeal under this section the court shall, as it thinks just, either confirm the rate, or annul or modify the rate.

(4) Sections twelve, thirteen and fourteen of the Quarter Sessions Act, 1849 (which relate to arbitration) shall not apply in the case of an appeal under this section, but the appellant and the respondent to the appeal may agree in writing to refer the matter in dispute to the arbitration of such a person as may be agreed on between them, or in default of agreement, appointed by the Minister.

12 & 13 Vict. c. 45.

In the event of such a reference to arbitration, the costs of and incidental to the hearing before the arbitrator and his award shall be in the discretion of the arbitrator, and if not agreed by the parties, shall be taxed as part of the costs of the appeal to quarter sessions.

Recovery of drainage rates.

31.—(1) Arrears of any drainage rates made under this Act may be recovered by a drainage board in the same manner in which arrears of a general rate may, under the Rating and Valuation Act, 1925, be recovered by a rating authority.

15 & 16 Geo. 5. c. 90.

(2) A drainage board may, either generally or in respect of any special proceedings, by resolution authorise their clerk to institute, carry on, or defend any proceedings in relation to rates which the drainage board have power themselves to institute, carry on, or defend.

(3) On any proceedings for the recovery of arrears of a rate, the defendant shall not be entitled to raise by way of defence any matter which might have been raised on an appeal under the provisions of this Part of this Act to a court of quarter sessions against the rate or any amendment of the rate or to a court of summary jurisdiction against the apportionment or determination of any annual value by a drainage board.

(4) Arrears of any drainage rates duly made by a drainage authority before the commencement of this Act may be recovered in accordance with the

provisions of this section by the persons and within the periods hereinafter mentioned, that is to say—

(*a*) the drainage authority may recover any such arrears by proceedings instituted at any time within six months after the commencement of this Act:

(*b*) if by a scheme made and approved under this Act the powers and duties of the drainage authority in respect of those arrears are transferred to any other body, that body may continue any proceedings instituted by the drainage authority for the recovery of the arrears before the date of transfer and may themselves institute proceedings for that purpose at any time within six months after the date of the transfer, notwithstanding that more than six months have elapsed since the commencement of this Act.

(5) The powers conferred by this section shall be deemed to be conferred in addition to, and not in substitution for, the powers conferred by any provisions of any local Act on any drainage board in relation to arrears of drainage rates, and for the purposes of any such provisions a rate made under this Act shall be deemed to be a rate to which those provisions apply.

Power of local authorities to contribute to expenses of drainage works.

32.—(1) Where it appears to a local authority that the execution or maintenance by a drainage board of any drainage works is desirable, as the case may be, in the interests of the public health of any area situated in the district of the local authority or for the protection or better enjoyment of any highway, the local authority may contribute, or undertake to contribute, to the expenses of the execution or maintenance of the drainage works by the drainage board such an amount as, having regard to the public benefit to be derived therefrom, appears to the authority to be proper.

(2) In this section the expression "local authority" means a local authority for the purposes of the Public Health Acts, 1875 to 1926, or the council of a county, and the making of contributions under this section shall be a purpose for which a local authority may borrow under those Acts or under the Local Government Act, 1888, as the case may be.

51 & 52 Vict. c. 41.

PART V.

MEMBERS AND PROCEEDINGS AND POWERS OF DRAINAGE BOARDS.

Election of members and proceedings of drainage boards other than Catchment Boards.

33.—(1) Subject to the provisions of this Act, drainage boards shall consist of elected members, and the provisions set out in Part I of the Third Schedule to this Act shall have effect with respect to the persons to vote at the election of members of such drainage boards.

(2) Subject to the provisions of this Act, an election of members of a drainage board shall be conducted in accordance with rules made by the Minister and any such rules shall contain provisions—

(i) for allowing any person or body of persons entitled to vote at an election to vote by a deputy; and

(ii) for the preparation of registers of electors (including provisions with respect to the making of objections to entries in any such registers and the hearing and determination of such objections) and for securing that the registers are open to inspection; and

(iii) with respect to the holding and conduct of elections, including provisions as to returning officers, nominations, polls and the counting of votes.

(3) The provisions set out in Part II of the Third Schedule to this Act shall have effect with respect to the members and proceedings of drainage boards, other than Catchment Boards.

(4) This section shall not apply—

(*a*) to a Catchment Board; or

(*b*) to a drainage board existing at the commencement of this Act unless applied to the board by a scheme under Part II, or an order under Part III, of this Act.

General powers of drainage boards.

34.—(1) Every drainage board acting within its district shall have power—

(*a*) to maintain existing works, that is to say, to cleanse, repair or otherwise maintain in a due state of efficiency any existing watercourse or drainage work:

(*b*) to improve any existing works, that is to say, to deepen, widen, straighten or otherwise improve any existing watercourse, or remove mill dams, weirs or other obstructions to watercourses, or raise, widen, or otherwise improve any existing drainage work:

(*c*) to construct new works, that is to say, to make any new watercourse or drainage work or erect any machinery or do any other act not hereinbefore referred to, required for the drainage of the area comprised within their district:

Provided that a Catchment Board shall not, by virtue only of this subsection, be taken to be authorised to do any work otherwise than in relation to the main river.

(2) A drainage board desiring to execute drainage works for the benefit of their district in lands outside that district shall have the like powers in that behalf as are conferred by this Act on persons interested in land which is capable of being drained or improved and desiring to execute drainage works for that purpose, and any expense incurred by a drainage board under this subsection shall be defrayed as if the expense had been incurred in the district of the drainage board.

(3) Where injury is sustained by any person by reason of the exercise by a drainage board of any of its powers under this section, the board shall be liable to make full compensation to the injured person, and in case of dispute the amount of the compensation shall be determined in the manner in which disputed compensation for land is required to be determined by the Lands Clauses Acts.

(4) It is hereby declared that nothing in this section authorises any person to enter on the land of any person except for the purpose of maintaining existing works.

Maintenance of watercourses.

35.—(1) Where any watercourse is in such a condition that the proper flow of water is impeded, it shall, except where the condition of the watercourse is attributable to subsidence of surface due to mining operations (including brine pumping), be the duty of the person having control of the watercourse or of the part thereof where the impediment occurs, or, if that person is not

Part V. —*cont.*

known, the person occupying the land through which the watercourse or that part of the watercourse passes, to put the watercourse or that part of the watercourse in proper order if by reason of such impediment agricultural land belonging to or in the occupation of some other person is injured by water or in danger of being so injured.

(2) Where any drainage board, not being a Catchment Board, are of opinion that by reason of the act or default of any person any watercourse within their drainage district is in such a condition that the proper flow of water is impeded and by reason of the condition of the watercourse agricultural land belonging to or in the occupation of some other person is being injured by water or is in danger of being so injured, the drainage board may serve on the person by whose act or default the flow of water is impeded a notice requiring him to put the watercourse or any part thereof in proper order, and subject to the provisions of this section it shall be the duty of that person within two months after the date on which the notice was served on him to comply with the requirements of the notice.

(3) Any such notice may, if the board think fit, specify the works which they consider necessary for the purpose of putting the watercourse or any part thereof in proper order.

(4) Any person on whom any such notice is served may at any time within twenty-one days from the date of the service either—

(*a*) complain to a court of summary jurisdiction on any of the grounds hereinafter mentioned; or

(*b*) by notice in writing addressed to the clerk of the drainage board require the question whether he ought not, by reason of some one or other of the said grounds, to be relieved from complying with the notice served on him to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Surveyors' Institution.

(5) A person may complain under this section to a court of summary jurisdiction on any of the following grounds, namely—

(*a*) that the control of the watercourse or the part of the watercourse in question is vested in

PART V. —*cont.*

some other person or that the service on him of the notice is otherwise not authorised by this section; or

(*b*) that the condition of the watercourse is not due to any act or default on his part; or

(*c*) that the notice cannot reasonably be enforced against him having regard to any of the following considerations, namely—

(i) the nature and extent of the land in respect of which his liability arises, and the extent to which that land abuts on the watercourse or the part thereof to which the notice relates;

(ii) the nature and extent of his estate or interest in that land or any part thereof;

(iii) the expenses which would be involved in complying with the notice;

(*d*) that such work as may be specified in the notice is unnecessary or excessive having regard to what is reasonably required to put the watercourse in proper order.

(6) If any person upon whom any such notice has been served alleges that the condition of the watercourse is attributable to the subsidence of surface due to mining operations, he may, at any time within twenty-one days from the date of the service of the notice, by notice in writing addressed to the clerk of the drainage board require the question whether that allegation is well founded to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

(7) On a complaint or reference under this section the court or arbitrator may either confirm or annul the notice to which the complaint or reference relates, or vary any requirement thereof.

(8) If either party is aggrieved by the decision of a court of summary jurisdiction on a complaint under this section, he may appeal to a court of quarter sessions, and on any such appeal the court of quarter sessions shall have power to make any order which the court of summary jurisdiction might have made.

(9) If within two months after the service of a notice under this section, or in the case of a complaint or appeal

or a reference to arbitration under this section, within two months after the confirmation or variation of the notice, the requirements contained in the notice or in the notice as varied, as the case may be, are not complied with, the drainage board may, if they think fit, execute the necessary works and recover the expenses thereof summarily as a civil debt from the person in default.

Where several persons are in default, the drainage board may apportion among them the expenses incurred by the board in such manner as the board think just, but the court before which proceedings for the recovery of any apportioned part of the expenses are instituted may, if they think fit, vary the apportionment.

(10) Nothing in this section shall affect the right of an owner or occupier to recover from the other under the terms of any lease or other contract for the time being in force the amount of any expenses incurred by him under the foregoing provisions of this section or recovered from him by the drainage board.

(11) Where a local authority have powers vested in them for securing the proper flow of water in any watercourse under their jurisdiction, the drainage board, except by agreement with the local authority, shall not exercise their powers under this section in relation to the watercourse unless after reasonable notice from the drainage board the local authority have made default in the proper exercise of such powers as aforesaid.

(12) Where any watercourse is under the jurisdiction of a board of conservators, conservancy authority or a navigation authority which is exercising its powers, this section shall not apply to the watercourse except with the consent of that board or authority.

(13) Nothing in the provisions of this Act relating to the commutation of obligations shall be deemed to apply to such obligations as are mentioned in this section.

(14) In this section the expression " watercourse " does not include the main river of a catchment area.

Enforcement of obligations to repair

36.—(1) Nothing in this Act shall operate to release any person from any obligation to which he was before the passing of this Act subject by reason of tenure, custom, prescription or otherwise.

PART V. —*cont.* water-courses, bridges, &c.

(2) If any person who, by reason of any such obligation as aforesaid, is liable to do any work in relation to any watercouse, bridge or drainage work (whether by way of repair, maintenance or otherwise), fails to do the work, it shall be lawful for an officer of the drainage board in whose district the said watercourse, bridge, or drainage work is situate to serve a notice on the person liable to do the work requiring him to proceed to do the necessary work with all reasonable and proper dispatch, and if that person fails within seven days to comply with the notice it shall be lawful for that officer to do all such things as are necessary for the said purpose.

(3) Any expenses reasonably incurred by a drainage board in the exercise of their powers under this section may be recovered summarily as a civil debt from the person liable to repair.

Power to commute obligations to do work.

37.—(1) A drainage board shall have power with the consent of the Minister to commute any obligations imposed on persons by reason of tenure, custom, prescription or otherwise to repair any walls, maintain any watercourse or do other work in connection with land drainage, other than obligations to do work in a catchment area in connection with the main river.

(2) The provisions of Part II of this Act relating to the commutation of obligations to repair shall, with the necessary modifications, apply to the commutation of obligations under this section by a drainage board as they apply to the commutation of obligations under those provisions by a Catchment Board.

Disposal of spoil.

38.—(1) A drainage board, without making payment therefor or giving compensation in respect thereof, may appropriate and dispose of any shingle, sand, clay, gravel, stone, rock or other matter removed in the course of the execution of any work for widening, deepening or dredging any watercourse, and may deposit any matter so removed on the banks of the watercourse or use it in any other manner for the maintenance or improvement of those banks or for the purposes of the execution of any other work which the drainage board have power to execute:

Provided that, if any such matter would, if deposited in manner aforesaid, be a nuisance liable to be dealt with summarily under the Public Health Act, 1875, the

38 & 39 Vict. c. 55

drainage board shall not deposit it as aforesaid but shall dispose of it in some other lawful manner.

(2) A drainage board and any local authority for the purposes of the Public Health Acts, 1875 to 1926, may enter into an agreement providing for the disposal by the local authority of any matter removed as aforesaid and for the payment by the drainage board to the local authority in respect of the disposal of the said matter by that authority of such sum as may be provided by the agreement.

Arrangements between drainage boards.

39. The drainage board of any drainage district, not being a catchment area, may with the consent of the drainage board of any adjoining drainage district, not being a catchment area, execute and maintain in that adjoining district any works which the first-mentioned drainage board might execute or maintain within their own district on such terms as to payment or otherwise as may be agreed on between the drainage boards, or may agree to contribute to the expense of the execution or maintenance of any works by the drainage board of any adjoining drainage district, and any expense incurred by any drainage board under this section shall be defrayed as if the expense had been incurred in their own drainage district.

Provision for transfer to drainage boards of powers and duties of navigation authorities.

40.—(1) With the approval of the Minister and of the Minister of Transport, a drainage board may, with a view to improving the drainage of the drainage district, enter into an arrangement with a navigation or conservancy authority for any of the following purposes:—

(*a*) the transfer to the board of the whole or any part of the undertaking of, or of any of the rights, powers, duties, liabilities and obligations of, or any property vested in, the authority as such:

(*b*) the alteration or improvement by the board of any of the works of the authority:

(*c*) the making of payments by the board to the authority or by the authority to the Board in respect of any matter for which provision is made by the arrangement.

(2) Any arrangement made under this section shall while in force have effect for all purposes as if enacted in

PART V. —*cont.*

this Act, but without prejudice to the power to provide by any subsequent arrangement so made for the variation or revocation thereof.

(3) A drainage board intending to enter into an arrangement under this section shall give notice of its intention to the Postmaster-General, and shall publish a like notice in such manner as the Minister may direct in the drainage district.

(4) Where an arrangement has been made under this section, the drainage board concerned shall cause a notice in such form as the Minister may prescribe to be published in the London Gazette stating that the arrangement has been made, and specifying the place at which a copy of the arrangement may be inspected by persons interested.

Power to vary navigation rights.

41.—(1) If in the case of a navigation authority which is not exercising at all, or is not exercising to the necessary extent, the powers vested in it, it appears to the Minister desirable so to do with a view to securing the better drainage of any land, he may, on an application made to him under this section and after consultation with the Minister of Transport, by order revoke, vary or amend the provisions of any local Act relating to navigation rights over, or to the powers and duties of any navigation authority with respect to, any waters within any drainage district, and in particular, but without prejudice to the generality of the foregoing power, may extinguish, vary or suspend, during such period as he may think proper, any such rights, powers or duties.

(2) An order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

(3) The provisions set out in the Second Schedule to this Act shall have effect with respect to the making of orders under this section.

(4) An application for the purpose of this section must be made by the drainage boards within whose districts the waters to which the application relates are contained.

(5) An order made under this section may contain such incidental, consequential or supplemental provisions as appear to the Minister to be necessary or proper for

the purposes of the order, and may be revoked or varied by a subsequent order made under this section.

(6) In this section the expression "waters" means any canal, river or navigable waters, and the expression "tidal waters" means any waters within the ebb and flow of the tide at ordinary spring tides.

(7) An order shall not be made under this section so as to affect any tidal waters except with the consent of the Board of Trade.

Power of drainage board to levy navigation tolls in certain cases.

42.—(1) Where any navigable waters within a drainage district are not subject to the control of any navigation authority, harbour authority, or conservancy authority, the drainage board of that district may apply to the Minister of Transport for an order imposing tolls in respect of the navigation of vessels in those waters.

(2) An order under this section—

- (i) shall not be made unless the Minister of Transport is satisfied that the cost of the maintenance or works in connection with the waters to which the order relates has been or will be increased as a result of the use of those waters for purposes of navigation; and
- (ii) shall, if opposed, be provisional only and have no effect until confirmed by Parliament.

(3) The Minister of Transport may hold inquiries for the purposes of this section as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall have effect accordingly, and he may make such order as to the payment of costs incurred by him in connection with any inquiry held under this section as he may think just.

9 & 10 Geo. 5. c. 50.

(4) The provisions of Part II of the Second Schedule to this Act shall have effect with respect to orders under this section, subject to the modification that references therein to the Minister shall be construed as references to the Minister of Transport.

(5) Any tolls payable under this section in respect of the navigation of a vessel in any such waters as aforesaid may be demanded from the person in charge of the vessel by any person authorised in that behalf by the drainage board and, if not paid upon demand, may be

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recovered summarily as a civil debt either from the person in charge of the vessel or from the owner thereof.

Power of drainage board to enter and survey lands and inspect documents.

43.—(1) Any person authorised in that behalf by a drainage board may for the purposes of this Act at all reasonable times, after giving notice in writing to the occupier and on the production if so required of his authority,—

(*a*) enter and survey any lands within the drainage district (including the interior of mills through which water passes or in connection with which water is impounded) and take levels thereof and inspect and examine into the condition of any drainage work thereon; and

(*b*) inspect and take copies of any Acts of Parliament, awards or other documents in the possession of any drainage board or navigation authority, which relate to land drainage in the drainage district and confer any powers or impose any duties on that board or authority.

(2) If any person obstructs or impedes any person so authorised in the execution of his duties, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

(3) This section shall not apply in relation to land belonging to—

(*a*) His Majesty in right of the Crown or the Duchy of Lancaster;

(*b*) the Duchy of Cornwall;

(*c*) a Government department.

Obstructions in watercourses.

44.—(1) It shall not be lawful for any person to erect any mill dam, weir or other like obstruction to the flow of any watercourse or to raise or otherwise alter any such obstruction, whether erected before or after the commencement of this Act, in any drainage district, without the consent in writing (not to be unreasonably withheld) of the drainage board.

(2) If where an application is made to a drainage board for their consent under this section the board fail within two months after the receipt of the application to notify in writing to the applicant their determination with respect to the application, the board

Part V. —*cont.*

shall be deemed to have consented thereto, and, if any question arises under this section whether the consent of a drainage board is unreasonably withheld, that question shall be referred to a single arbitrator to be agreed between the parties or, failing such agreement, to be appointed by the President of the Institution of Civil Engineers on the application of either party.

(3) If any obstruction is erected or raised or otherwise altered in contravention of this section, it shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by this Act, and the drainage board may serve upon the person by whom the said obstruction has been erected or raised or otherwise altered a notice requiring him to abate the nuisance within a time to be specified in the notice, and if that person makes default in so doing, the board by whom the notice was served shall cause a complaint relating to the nuisance to be made before a justice, and the justice shall thereupon issue a summons requiring that person to appear before a court of summary jurisdiction.

(4) If the court is satisfied that the alleged nuisance exists, the court shall make an order on that person requiring him to abate the nuisance within a time specified in the order, and may by their order impose a penalty not exceeding one hundred pounds, and shall also give directions as to the payment of all costs incurred up to the time of making the order.

(5) Any person not obeying an order under this section to abate a nuisance shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding five pounds for every day during which his default continues, and the board by whom the complaint was made may abate the nuisance and recover summarily as a civil debt from the person in default the expenses of so doing.

(6) If either party to the proceedings is aggrieved by the decision of a court of summary jurisdiction on a complaint under this section, he may appeal to a court of quarter sessions, and on any such appeal the court of quarter sessions shall have power to make any order which the court of summary jurisdiction might have made.

(7) If it appears to any drainage board that an obstruction erected before the commencement of this

PART V. —*cont.*

Act is a nuisance and ought to be removed, the board may proceed against a person having power to remove the obstruction in the same manner as if it had been erected after the commencement of this Act, and this section shall have effect accordingly:

Provided that the drainage board shall be liable to make full compensation to any person who sustains damage by reason of the removal in pursuance of the provisions of this subsection of an obstruction otherwise lawful, and in case of dispute the amount of the compensation shall be determined in the manner in which disputed compensation for land is required to be determined by the Lands Clauses Acts.

(8) Nothing in this section shall apply to any works under the control of a navigation authority, harbour authority or conservancy authority, or to any works executed or maintained under or in pursuance of any Act or any order having the force of an Act.

Power to buy, sell or exchange land.

45.—(1) A drainage board may, with the approval of the Minister, acquire by agreement land for any purpose connected with the drainage of land, or purchase by agreement any water-mill, dam, weir, or other work or any easement which interferes with the proper drainage of their district, and for the purpose of such acquisition sections one hundred and seventy-five to one hundred and seventy-eight of the Public Health Act, 1875, except so far as those sections relate to the purchase and taking of lands otherwise than by agreement, shall apply as if they were herein re-enacted and in terms made applicable to drainage boards.

(2) A drainage board may be authorised to purchase land compulsorily for the purposes of this Act by means of an order submitted to the Minister and confirmed by him in accordance with the provisions of the Fourth Schedule to this Act.

(3) Nothing in this section or any order made thereunder shall authorise the compulsory acquisition for the purposes of this Act of any land which belongs to His Majesty in the right of the Crown or the Duchy of Lancaster, or to the Duchy of Cornwall, or to a Government department, or which is vested in any local authority for the purposes of any Act or any Order having effect as an Act or in any authority, company, body or person

for the purposes of a railway, harbour, dock, canal, water or other public utility undertaking.

(4) A drainage board may, with the approval of the Minister, sell or exchange any land vested in them which they do not require for the purpose of the discharge of their functions under this Act.

(5) For removing doubts it is hereby declared that a drainage board is a public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10 Geo. 5. c. 57.

Borrowing by drainage boards.

46.—(1) Subject to the provisions of this section, a drainage board may, with the sanction of the Minister, for the purpose of defraying any costs, charges or expenses incurred by them in the execution of this Act, or for the purpose of discharging any loan contracted by them under this Act or under any enactment repealed by this Act, borrow or reborrow on the security of any property vested in the board or any rates to be levied by or contributions to be paid to the board under this Act.

(2) Money borrowed by a drainage board under this section may be borrowed for such time not exceeding fifty years as the drainage board, with the sanction of the Minister, may in each case determine.

(3) Where a drainage board borrow any sums in respect of which they have determined that some part only of the drainage district shall be liable, the money borrowed shall be repayable only out of rates levied on or contributions received in respect of that part of the drainage district.

(4) The provisions of the Commissioners Clauses Act, 1847, as to mortgages shall be incorporated with this section.

10 & 11 Vict. c. 16.

(5) The Public Works Loan Commissioners may make a loan to a drainage board for the purpose of any works for the purpose of which the board is by this section authorised to borrow, and in the case of a loan to a Catchment Board on the security of any contributions to be paid to the Board under this Act.

(6) The power of the Minister under this section to sanction any matter shall, in the case of borrowing by a Catchment Board, be exercised in consultation with the Minister of Health.

Part V. —*cont.*

Byelaws.

47.—(1) A drainage board may, subject to the provisions of this Act, make such byelaws as the board consider necessary for securing the efficient working of the drainage system in their district, and in particular and without prejudice to the generality of the foregoing provisions may make byelaws for any of the following purposes, that is to say—

(*a*) regulating the use and preventing the improper use of any watercourses, banks or works vested in or under the control of the board or for preserving any such watercourses, banks or works from damage or destruction:

Provided that no byelaws for such purposes shall be valid which would prevent reasonable facilities being afforded for enabling a watercourse to be used by stock for drinking purposes:

(*b*) regulating the opening of sluices and floodgates in connection with any of the works aforesaid:

(*c*) preventing the obstruction of any watercourse vested in or under the control of the board by the discharge thereinto of any liquid or solid matter or by reason of any such matter being suffered to flow or fall thereinto:

(*d*) compelling the persons having control of any watercourse vested in or under the control of the board or of any watercourse flowing into any such watercourse to cut the vegetable growths in the watercourse, and when cut, to remove them therefrom.

(2) A byelaw made in pursuance of this section shall not be valid until it has been confirmed by the Minister, and shall not be confirmed until the expiration of at least one month after public notice of intention to apply for the confirmation has been given by the board by advertisement in some newspaper circulating in their district, or otherwise in such manner as the Minister considers sufficient, and, in the case of a byelaw made by an internal drainage board, has also been given to the council of every county, county borough, or county district whose area, or any part of whose area, is situate in the drainage district.

(3) During the month next preceding the application for confirmation of a byelaw the drainage board shall

cause a printed copy of the byelaw to be kept at their office in such manner as to be open during office hours to inspection free of charge by the owners or occupiers of any hereditament within the drainage district, or by any other persons appearing to the board to be interested, and shall also on demand supply printed copies thereof free of charge to any such owners, occupiers or other persons.

Part V. —*cont.*

(4) Subject to the provisions of this section, the Minister may, with or without a public local inquiry, disallow the byelaw or allow the byelaw either without modification or (subject to the consent of the drainage board) with such modification as he thinks fit, and the board shall, if so directed by the Minister, cause notice of any proposed modification to be advertised in accordance with such directions.

(5) The Minister, if he considers that the revocation of any byelaw is necessary or desirable, may, after giving notice to the drainage board and considering any objections raised by them, and, if so required by them, holding a public local inquiry, revoke that byelaw.

(6) The amount of any expenses incurred by the Minister in relation to the confirmation or revocation of a byelaw, shall, on demand by him, be repaid to him by the drainage board.

(7) Prima facie evidence of any byelaw made by the drainage board and confirmed by the Minister may be given in any court of justice and in all legal proceedings whatsoever by the production of a copy thereof purporting to be certified to be a true copy by the clerk of the drainage board.

(8) If any person acts in contravention of, or fails to comply with, any byelaw made under this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and a further fine not exceeding five pounds for every day on which the offence is committed or continued.

(9) Notwithstanding anything in this Act no byelaw made by a drainage board shall conflict or interfere with the operation of any byelaw made by a navigation authority, harbour authority or conservancy authority.

PART V. —*cont.*

Appointment of officers of drainage boards.

48. It shall be lawful for a drainage board to appoint for the purposes of this Act such officers as they think fit, and to pay to any officers so appointed such reasonable remuneration as they think fit.

Reports by and accounts of drainage boards.

49.—(1) Every drainage board shall, before such date in every year as the Minister may fix, send to the Minister a report of their proceedings during the preceding year, and shall at the same time send a copy of the report to the council of any county or county borough in which any part of the district of the board is situate, and, in the case of an internal board, also to the Catchment Board.

(2) Every report under this section shall be in such form and shall contain particulars with respect to such matters as the Minister may direct.

(3) The accounts of the receipts and expenditure under this Act of Catchment Boards and of the officers of Catchment Boards shall be made up, and shall be audited by district auditors, in like manner and subject to the same provisions as the accounts of county councils, and the enactments relating to the audit of the accounts of county councils, and to all matters incidental thereto and consequential thereon, including penal provisions, shall apply accordingly.

(4) Subject as hereinafter provided the accounts of the receipts and expenditure under this Act of drainage boards other than Catchment Boards, and of the officers of such boards, shall be made up in such manner and to such date in each year, and shall be audited by such persons and in such manner, as the Minister may from time to time direct:

Provided that the Minister may, if he thinks fit, direct that the accounts of drainage boards, other than Catchment Boards or of any particular drainage board, not being a Catchment Board, shall be made up and audited in like manner and subject to the same provisions as the accounts of a Catchment Board under subsection (3) of this section.

(5) As soon as the accounts of a drainage board have been audited the board shall send a copy of the accounts to the Minister and shall at the same time send a copy to the council of any county or county borough in which any part of the district of the board is situate,

and, if the district of a board is situate in a catchment area, also to the Catchment Board, and a copy of the accounts shall also be kept at the office of the board, and any person, being a person who is liable to pay drainage rates in the district of the board, shall be entitled without payment to inspect and take copies of, or extracts from, the copy of the accounts.

PART VI.

POWERS OF COUNTY COUNCILS AND COUNTY BOROUGH COUNCILS.

General drainage powers of county councils and county borough councils.

50.—(1) The council of a county or of a county borough shall as respects any land which is within the county or county borough but is not under the jurisdiction of a Catchment Board have—

(*a*) all such powers as are given to Catchment Boards by the provisions of section ten of this Act except subsection (4) of the said section; and

(*b*) all such powers as are given to drainage boards by the provisions of sections thirty-six and forty-four of this Act.

(2) The council of a county or of a county borough shall, as respects any land which is within the county or county borough (whether the land is or is not within a catchment area), have all such powers as are given to drainage boards by the provisions of section thirty-five of this Act.

(3) The provisions of section eleven of this Act, which empower the Minister to transfer the functions of an internal drainage board to the Catchment Board, shall apply to a drainage district situate in a county or any part of a county which is not within a catchment area, with the substitution for the references in the said section to the Catchment Board of references to the council of the county.

(4) Section forty-one of this Act, which authorises the Minister by order to revoke, vary or amend the provisions of any local Act relating to navigation rights over waters within a drainage district, shall apply to waters which are not within a drainage district, with the modification that in the case of any such waters an application for the purposes of the said section must be

Part VI. —*cont.*

made by the councils of the counties or county boroughs within whose areas the waters to which the application relates are contained.

Powers of persons authorised by councils of county or county boroughs to enter on land.

51.—(1) The council of a county or county borough may, for the purpose of the exercise of their functions under this Act, authorise any person to enter on and inspect any land, and any person so authorised may, after giving notice in writing to the occupier, and on production, if so required, of his authority, enter on and inspect the land accordingly at all reasonable times.

(2) If any person obstructs or impedes in the execution of his duties any person authorised under this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

Schemes for drainage of small areas.

52.—(1) Where the council of a county or county borough are of opinion that any land which is within the county or borough (whether the land is or is not within a catchment area) is capable of improvement by drainage works, but that the case cannot be met by the constitution of a drainage district under this Act, and that the expenses of executing and maintaining the works will not exceed the increase in the value of the land arising therefrom, the council may, in accordance with the provisions of a scheme made under this section, enter on the lands and execute such drainage works as appear to them desirable.

(2) Before executing any works under this section the council shall prepare a draft scheme stating—

(*a*) the works proposed to be executed;

(*b*) the area to be improved thereby;

(*c*) the estimated cost of the execution of the works, which shall not exceed an amount equal to five pounds for each acre in the area to be improved, or five thousand pounds in all, and the maximum amount to be recoverable by the council in respect of the costs thereof;

(*d*) the manner in which the expenses of executing and maintaining the works are to be apportioned amongst the lands comprised in the area;

and shall give to the owners and occupiers of land comprised within the area, and to any navigation authority or other body or person appearing to the council to be affected by the scheme, notice in the prescribed manner of the making of the draft scheme, and of the place where it can be inspected and of the time within which objections to the scheme may be made to the council, and the council shall, before settling the scheme, consider any objections which may have been duly made and, if the owners of one-half or more of the land comprised within the area to which the draft scheme relates have duly made objections thereto and have not withdrawn those objections, cause a public local inquiry to be held with reference to the scheme.

(3) Copies of the scheme when settled shall be served on the owners and occupiers of land in the area to which the scheme relates.

(4) For the purpose of executing and maintaining any works under a scheme made under this section a council shall, within the area to which the scheme relates or in which the works are to be executed, have all the powers of a drainage board under this Act, but subject to the restrictions imposed by this Act on the exercise of those powers.

(5) Any expenses incurred by a council under this section in the execution of drainage works to an amount not exceeding the amount declared by the scheme to be the maximum amount of expenses recoverable by them, or in maintaining any such works, shall be recoverable by the council summarily as a civil debt from the several owners of the lands to which the scheme relates according to the apportionment in the scheme:

Provided that, if any owner so requires in writing, the sum payable by him shall be recoverable by the council by means of a rate to be made and levied by the council in like manner, subject to the like provisions and with the like incidence, as are applicable in case of a private improvement rate for private improvement expenses incurred by a local authority under the Public Health Act, 1875, with this qualification, that the council shall, on the application of the owner or occupier of any land subject to the rate, determine the proportion of the rate to be borne by them respectively, having regard to the benefit derived from the works, the contract of tenancy, and all other circumstances of the case.

Part VI. —*cont.*

Expenses, borrowing and power to delegate to committees.

53.—(1) The expenses of the council of a county or county borough under this Act, except in so far as they are by virtue of the provisions of this Act otherwise defrayed, shall be defrayed—

(*a*) in the case of the council of a county, out of the county fund as expenses for general county purposes, or, if and so far as the council think fit, as expenses for special county purposes, charged on such parts of the county as the council think fit; and

(*b*) in the case of the council of a county borough, out of the general rate fund.

(2) The council of a county or county borough may borrow for the purposes of this Act—

51 & 52 Vict, c. 41.

(*a*) in the case of a county, in accordance with the Local Government Act, 1888;

(*b*) in the case of a county borough, in accordance with the Public Health Acts, 1875 to 1926.

(3) The council of a county or county borough may delegate, with or without restrictions, to the agricultural committee of the council, or, in the case of a council not having an agricultural committee, to such committee as the council may think fit, any of their powers and duties under this Act (other than the power to levy a rate or to borrow money) and the committee to which any such powers and duties are delegated may, subject to the directions of the council, delegate with or without restrictions to a sub-committee of the committee any of their powers and duties under this Act.

(4) The councils of two or more counties or county boroughs may combine for the purposes of the joint exercise of any powers conferred on them by or under this Act, and may for that purpose appoint a joint committee, and may agree as to the proportions in which the several councils represented on the joint committee are to contribute towards the expenses thereof.

In the case of a council having an agricultural committee, the representatives of the council on the joint committee shall be persons who are members of the agricultural committee.

Saving of existing powers of councils.

54. Save as otherwise expressly provided in this Act, the powers conferred on councils of counties and county boroughs by or in pursuance of this Act, shall be in addition to and not in derogation of any other powers possessed by any such councils independently of this Act:

Provided that, where by any local Act powers are conferred on the council of any county or county borough similar to the powers conferred by this Act and that local Act contains provisions for the protection of any authorities, companies or persons, those provisions shall apply to the exercise by the council of the powers under this Act in like manner as they apply in relation to the exercise of the powers under the local Act.

Part VII.

Miscellaneous and General.

Contributions out of public moneys towards expenses incurred by Catchment Boards in improvement of existing works or construction of new works.

55.—(1) Subject to the provisions of this section the Minister may, out of moneys provided by Parliament, make grants towards expenditure incurred by Catchment Boards under this Act in the improvement of existing works or the construction of new works of such amounts as the Treasury may from time to time sanction:

Provided that—

(*a*) no grant shall be made towards expenditure incurred in connection with any such improvement or construction unless the plans and sections therefor have been approved by the Minister, and the Minister is satisfied that the work thereon is being properly carried out;

(*b*) grants under this section shall be made subject to such conditions as may, with the approval of the Treasury, be prescribed.

(2) If it is shown to the Minister that any expenditure towards which a grant would, if the work were properly carried out, be properly payable under this section is about to be incurred by a Catchment Board, the Minister may, if for any reason he considers it expedient so to do, and subject to the approval of the Treasury, and to such conditions as may with the like approval be prescribed, make advances to the Board on account of the expenditure to be so incurred.

Provisions as to pollution authorities for

56.—(1) A Provisional Order under section fourteen of the Local Government Act, 1888, constituting for a catchment area or combination of catchment areas a

Part VII. —*cont.*

catchment areas.

39 & 40 Vict. c. 75.

51 & 52 Vict. c. 41.

joint committee or other body having any of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876, may be made by the Minister of Health of his own motion and without any application by the council of any of the counties concerned.

(2) Any such order shall provide for the inclusion, so far as may conveniently be, on the committee or body, of the persons appointed by county or county borough councils to be members of the Catchment Boards of the catchment areas concerned.

(3) A committee or body so constituted and the Catchment Board of any catchment area concerned may enter into arrangements for co-operation in the discharge of their respective functions, including arrangements as to payments for services rendered by either party to the other party.

Power to require occupier of land to keep watercourses in order.

57.—(1) Where by reason of the neglect of the occupier of any land to maintain or join in maintaining the banks, or to cleanse and scour or join in cleansing and scouring the channels, of watercourses passing through over or adjoining his lands, injury is caused to any other land, the owner or occupier of that land may serve notice on the said occupier requiring him, as the case may be, to maintain the banks or cleanse or scour the channels, or to join in maintaining the banks or in cleansing or scouring the channels of the watercourses.

(2) If any person, being an occupier in default on whom a notice has been duly served in pursuance of this section, fails within two months after the date of the service to comply with the requirements of the notice, the person by whom the notice is served may, if he thinks fit, execute all such works as are reasonably necessary for maintaining the banks or cleansing or scouring the channels and the expenses incurred by him in so doing, or such proportion of those expenses as is just, shall be recoverable by him summarily as a civil debt from the occupier in default.

Application to adjoining owner for leave to make drains through his lands.

58.—(1) If any person interested in any land desires to drain it and for that purpose considers it necessary that new drains should be opened through lands belonging to another person or that existing drains in land belonging to another person should be cleansed, widened, straightened, or otherwise improved, the person so desiring may apply in the prescribed manner to that other person (in this section referred to as "the adjoining owner") for leave to make such drains or improvements in drains through or on his lands.

(2) Any such application shall contain such particulars as may be prescribed with respect to the nature of the proposals and the compensation, if any, which the applicant is willing to pay to the adjoining owner.

(3) The provisions set out in the Fifth Schedule to this Act shall have effect with respect to the proceedings consequent on an application under this section, and in the said Schedule the expression "application" means an application under this section and the expression "the adjoining owner" has the same meaning as in this section.

Power of Minister to authorise landowners to execute drainage works.

59.—(1) Where any persons interested in any land are of opinion that it is capable of improvement by drainage works but the said works cannot be executed by reason of the objection or disability of any person whose land would be entered upon, cut through or interfered with by or for the purpose of such works, they may present an application to the Minister for an order under this section authorising them to execute such drainage works as are expedient with a view to the improvement of the land.

(2) The application shall be in the prescribed form and shall contain particulars of the proposed works and the persons by whom they are to be executed and such further particulars as the Minister may prescribe or require.

(3) Notice of the application and of the place where it can be inspected and of the time within which objections to the proposed works may be made to the Minister shall be given in the prescribed manner and to all persons, not parties to the application, whose lands are proposed to be entered upon, cut through or interfered with, and to any drainage authority having jurisdiction in any district or area within which all or any of the proposed works are to be executed.

(4) The applicants shall give such security for expenses as may be required by the Minister.

(5) If within the prescribed time no objection to the proposed works has been made to the Minister by

Part VII. —*cont.*

any person interested or in any way affected by the proposed works or if every such objection has been withdrawn, the Minister shall in his discretion either refuse to authorise or by order authorise with or without alteration the execution of the proposed works.

(6) If such an objection has been made and has not been withdrawn, the Minister shall forthwith cause a public inquiry to be held in the locality in which the proposed works are to be executed.

(7) The persons authorised by an order made under this section to execute works shall have full power to execute the works and to maintain them for ever thereafter:

Provided that no entry shall be made on any land for the purposes aforesaid till the amount of any compensation awarded in respect of the works to any person interested in the said land has been paid.

(8) No order of the Minister under this section shall authorise any work whereby the streams, reservoirs or feeders supplying any ornamental waters will be cut through, diverted or interfered with otherwise than by agreement and with the consent of the persons to whom such ornamental waters belong.

Protection of ancient monuments. 3 & 4 Geo. 5. c. 32.

60. Nothing in this Act shall be taken to authorise any person to execute any works or do any thing in contravention of the provisions of the Ancient Monuments Consolidation and Amendment Act, 1913.

Protection of public utility, water, railway and certain other undertakings.

61.—(1) Nothing in this Act or any order made thereunder shall authorise any person, except with the consent of the undertakers, to do any work which, whether directly or indirectly, interferes or will interfere with, or with the use of the works of or any property which is vested in or is under the control of the persons carrying on any undertaking to which this section applies, in their capacity as such, in such manner as to affect injuriously the said works or property or the carrying on of the undertaking.

The undertakings to which this section applies are the following:—

(*a*) public utility undertakings carried on by local authorities under any Act or under any order having the force of an Act;

(*b*) undertakings for the supply of water to any place;

(*c*) the undertakings of authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1928;

(*d*) the undertakings of navigation, harbour, or conservancy authorities.

(2) Nothing in this Act shall authorise any person except with the consent of the railway company to interfere with any railway bridge or any other work connected with the railway or the structure, use or maintenance thereof or the traffic thereon.

(3) If any question arises under this section whether anything done or proposed to be done interferes or will interfere as aforesaid, that question shall be referred to a single arbitrator to be agreed between the parties or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

(4) Without prejudice to the provisions of this Act with respect to the transfer to drainage boards of the powers and duties of navigation authorities and with respect to the power of the Minister to vary navigation rights, nothing in this Act or any order made thereunder shall be taken to prejudice the exercise of any statutory power, authority or jurisdiction from time to time vested in or exercisable by the persons carrying on any undertaking to which this section applies.

Protection of fisheries.

62.—(1) Nothing in this Act shall prejudice or affect the provisions of the Salmon and Fresh Water Fisheries Act, 1923, or any rights, powers or duties conferred or imposed thereby.

(2) In the exercise of the powers conferred by this Act due regard shall be had to the fishery interests.

Power of canal companies, &c. to divert sewers.

63.—(1) Where any watercourses under the control of a drainage board pass under or interfere with, or with the improvement or alteration of, any river, canal, dock, harbour, basin or other work (including any towing-path adjacent thereto) which belongs to or is under the jurisdiction of any navigation authority, harbour authority or conservancy authority, that authority may at their own expense and on substituting for the said watercourses

Part VII. —*cont.*

other equally effective watercourses, take up, divert or alter the level of the said watercourses and do all such matters and things as may be necessary in connection with the works authorised to be done by them as aforesaid.

(2) If any question arises under this section between any drainage board and any such authority as aforesaid as to whether any watercourses substituted or proposed to be substituted by the authority for any existing watercourses are equally effective to the existing watercourses, that question shall be referred to a single arbitrator to be agreed between the parties or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

Restriction on construction of bridges over main river of catchment area.

64.—(1) It shall not be lawful for any person, except by way of replacement or reconstruction of an existing bridge, to construct a bridge over the main river of a catchment area without the consent (not to be unreasonably withheld) of the Catchment Board and unless the bridge is constructed in accordance with plans and sections approved by the Catchment Board.

(2) If any person acts in contravention of this section, the Catchment Board may remove, alter or pull down any work executed in contravention of this section and may recover the expenses so incurred from that person summarily as a civil debt.

(3) If any person is aggrieved by any withholding of consent or non-approval of plans under this section, he may appeal to the Minister and the Minister of Transport acting jointly.

(4) Nothing in this section shall be taken to be in derogation of any provision having the force of law by virtue of which the consent of any Government department is required for the erection of a bridge over any waters or by virtue of which any powers are exercisable by any Government department in relation to such a bridge.

Application of Act to Doncaster Drainage District.

65. This Act, in its application to the Doncaster Drainage District, shall have effect subject to the following modifications:—

(1) No direction shall be given by the Catchment Board under section seven to any drainage

board which is a district board within the meaning of the Doncaster Area Drainage Act, 1929; and

19 & 20 Geo. 5. c. xvii.

(2) Sub-paragraphs (iv), (v) and (vi) of paragraph (*b*) of subsection (1) of section four, paragraph (*a*) of subsection (2) of section seven, and sections eight and ten shall not apply.

Preservation of existing protection conferred by local Acts.

66. Where by any local Act powers are conferred on a drainage board or local authority similar to the powers conferred by this Act, and that local Act contains provisions for the protection of any authorities, companies, or persons, those provisions shall apply to the exercise by any drainage board within the area to which the local Act applies of the powers conferred on drainage boards by this Act in like manner as they apply in relation to the exercise of the powers under the local Act.

Compensation to existing officers.

67.—(1) Every officer of a drainage board who immediately before the commencement of this Act had held office under that board for a period of not less than two years shall, if by virtue of this Act or of anything done in pursuance or in consequence thereof he suffers any direct pecuniary loss by abolition of office, or by determination of his appointment, or by diminution or loss of fees or salary or emoluments, be entitled to compensation under this Act for that loss.

(2) An application for compensation by any officer under this Act shall be made to the drainage board by which his appointment has been determined or his fees, salary, or emoluments have been reduced, or whose district comprises the area of the drainage authority by which he was employed, or such drainage boards as may be determined by the Minister of Health.

(3) For the purposes of this section an officer—

(*a*) who at any time within five years after the commencement of this Act relinquishes office by reason of his having been required to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the commencement of this Act; or

Part VII. —*cont.*

(*b*) whose services are dispensed with or whose salary is reduced by a drainage board within five years after the commencement of this Act because his services are not required or his duties are diminished, and not on account of misconduct or inefficiency,

shall, unless the contrary is shown, be deemed to have suffered a direct pecuniary loss.

(4) The provisions contained in the Eighth Schedule to the Local Government Act, 1929, shall apply to the determination and payment of compensation under this section to officers as they apply to the determination and payment of compensation under that Act to officers, subject to the following modifications :—

(i) references to the drainage board shall be substituted for references to the Council;

(ii) references to this Act shall be substituted for references to that Act; and

(iii) references to the commencement of this Act shall be substituted for references to the appointed day.

(5) If any question arises—

(*a*) as to the drainage board to which an application for compensation under this Act is to be made; or

(*b*) as to the fund out of which any compensation is to be paid;

the Minister of Health may, on the application of the officer or any drainage board concerned, determine the question.

Power to invest money on security of drainage rates.

68. Where the owner of any land comprised within a drainage district is authorised to invest money on real security, he shall, unless the instrument authorising the investment provides to the contrary, have power to invest money on a first mortgage of the drainage rates leviable by the drainage board for that district.

Provision as to alteration of local boundaries.

69.—(1) Where, in the exercise of any powers given by this Act, any watercourse forming a boundary line between two or more local areas defined by law is straightened, widened or otherwise altered so as to affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Minister of Health, and the Minister of Health, if satisfied that a new boundary line may conveniently be adopted, shall, by notice published in such manner as he thinks fit, declare that the watercourse as altered shall be substituted either wholly or partially for the former boundary line, and thereupon the limits of the areas of which the watercourse, when unaltered, was the boundary shall be deemed to be varied accordingly.

(2) If in any such case the Minister of Health is of opinion that a new boundary cannot conveniently be adopted, either wholly or in part, he shall require the drainage board or other persons aforesaid to set out a boundary either on the line of the watercourse as it existed before its alteration, or on a new line in lieu thereof, in such manner as he thinks fit.

Expenses of Minister.

70. The expenses of the Minister under this Act, so far as not defrayed by the exercise of any powers conferred by this Act, shall to such an amount as the Treasury may sanction be defrayed out of moneys provided by Parliament.

Fees.

71. There shall be chargeable in respect of any business transacted by the Minister under this Act such fees as he may with the approval of the Treasury determine.

Power of Minister to hold inquiries.

72.—(1) The Minister may hold such inquiries as he considers necessary or desirable for the purposes of this Act, and the Minister, and, if authorised by the Minister, the person appointed to hold any such inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law, and, if any person fails without reasonable excuse to comply with any of the provisions of any such order, he shall be liable on summary conviction to a fine not exceeding five pounds, and the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths.

(2) Notices of inquiries shall be given and published in accordance with such general or special directions as the Minister may give.

Costs of the Minister of Health under Part VII.

73. Where the Minister of Health incurs expenses—

(*a*) in connection with the making or confirmation of a provisional order made by him by virtue of this Part of this Act for constituting a body having any of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876; or

(*b*) in or in connection with the exercise of the powers conferred on him by this Part of this Act with respect to alteration of boundaries where watercourses forming boundary lines are altered;

he may make such orders as he thinks fit with respect to the parties by whom or the rates out of which those expenses or any part thereof are to be borne, and any sum payable to the Minister of Health by virtue of any such order may be recovered as a debt due to the Crown:

Provided that an order shall not be made under this section with respect to expenses incurred in connection with the making or confirmation of a provisional order unless and until the order is confirmed by Parliament.

Regulations.

74.—(1) The Minister may make regulations for the purpose of prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect.

(2) Any regulations made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything done thereunder, or to the making of new regulations.

Service of notices.

75. A notice required or authorised to be served under or by virtue of this Act by any person may be served by registered post or by delivery to or at the residence of the person to whom it is addressed, or, where addressed to the owner or occupier of premises, by delivery of the notice or a copy thereof to some person on the premises or, if there is no person on the premises to whom the notice or copy can be delivered, by fixing the notice or the copy thereof on some conspicuous part of the premises.

Provisions as to accretion of land resulting from drainage works.

76.—(1) If the Minister certifies that, as the result of any drainage works executed or proposed to be executed by a Catchment Board in connection with the tidal waters of the main river or any drainage works transferred from a drainage authority to a Catchment Board in pursuance of this Act, there has been or is likely to be any accretion of land, the Catchment Board may, notwithstanding any enactment to the contrary (including any enactment contained in any local Act), acquire either by agreement or compulsorily—

(*a*) the accretion of land or the land to which the accretion will, if it takes place, be added, together with any right to reclaim or embank the said accretion of land; and

(*b*) such other land as is reasonably required for the purpose of reclamation of the said accretion of land or for the enjoyment thereof when reclaimed.

(2) The provisions contained in Part V of this Act with respect to the power of drainage boards to acquire land shall apply with respect to the acquisition of land or rights under this section and the expression " land " in the said provisions as applied by this subsection shall be deemed to include all rights which may be acquired under this section.

(3) An agreement or order with respect to the acquisition of any land or rights under this section may provide for the transfer to the Catchment Board of any liability for the upkeep, maintenance and repair of any bank or drainage work or of any other like liability.

(4) Where the value of any land or right is increased by the execution or proposed execution of drainage works by a Catchment Board, the amount of the increase shall not be taken into account in assessing the compensation in respect of the compulsory acquisition thereof.

Part VII. —*cont.*

(5) Where, by reason of a certificate having been given by the Minister under this section in relation to any drainage works, a Catchment Board has acquired any land or right and a grant was made out of public moneys for the purpose of defraying the cost or part of the cost of the execution of the said works, the Catchment Board shall on being so required by the Commissioners of Crown Lands and on payment by the Commissioners to the Board of the sum paid by the Board in respect of the acquisition of the said land and right, together with the amount of any costs incurred by the Board in connection with the acquisition, transfer the said land or right to the Commissioners or to any person nominated by them.

(6) If a Catchment Board, on being so required by the Commissioners of Crown Lands in pursuance of the last preceding subsection, fail to transfer to the Commissioners any land or any right, the Minister may by a vesting order transfer the said land or right to the Commissioners or to a person nominated by them, and for the purposes of this subsection the Minister shall be deemed to be a competent authority within the meaning of section nine of the Law of Property Act, 1925. 15 & 16 Geo. 5. c. 20.

Application of Act to Crown.

[illegible] 30

77.—(1) Subject as otherwise expressly provided in this Act, the provisions of this Act shall apply to land belonging to His Majesty in right of the Crown or the Duchy of Lancaster and to land belonging to the Duchy of Cornwall and to land belonging to a Government department, and as respects—

(*a*) land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands, the Commissioners of Works or the Board of Trade, according as the land is under the management of the Commissioners of Crown Lands, the Commissioners of Works, or the Board:

(*b*) land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy:

(*c*) land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints:

shall for the purposes of this Act be deemed to be the owner of the land:

Provided that nothing in this Act shall—

(*a*) be taken to operate as a grant by or on behalf of His Majesty as owner, whether in right of His Crown or in right of the Duchy of Lancaster, of any tidal lands or by or on behalf of the Duchy of Cornwall as owner of any such lands, of any estate or interest in or right over any of those lands or any part thereof; or

(*b*) be taken to authorise any person to do any work on, over, or under, or to use for any purpose, any tidal lands or any lands belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, to the Duchy of Cornwall, or to any Government department, except—

(i) with the consent of the owner of the land; and

(ii) in the case of tidal lands, with the consent also of the Board of Trade; and

(iii) in any case otherwise than in accordance with the approved plans and sections and subject to the prescribed restrictions and conditions;

so, however, that nothing in this paragraph shall apply to work done in maintaining existing works on tidal lands, or on land not in the occupation of His Majesty, the Duke of Cornwall, or a Government department; or

(*c*) confer any power of levying drainage rates in respect of the said tidal lands.

(2) In this section the expression "tidal lands" means lands below the high-water mark of ordinary spring tides, and the expressions "approved" and "prescribed" mean respectively approved and prescribed by the Board of Trade, or the owner of the lands, as the case may be, before the commencement of the work in question:

Provided that for the purpose of proviso (*b*) to subsection (1) of this section, the expression "tidal lands" does not include any lands which by means of walls, embankments, or otherwise are protected from the incursion of the tides.

PART VII. —*cont.*

(3) Any consent or approval to be given or thing to be prescribed under this section by the Board of Trade shall be given or prescribed in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade.

Provision as to London.

78. This Act shall not apply to the administrative county of London except to such portion thereof as is for the time being included in the Lee catchment area and nothing in this Act, or any order made thereunder shall affect any property of, or prejudice the exercise of any statutory power, authority, or jurisdiction for the time being vested in or exercisable by, the London County Council.

Provisions as to drainage board of Thames catchment area and Conservators of River Thames.

79.—(1) The drainage board of the Thames catchment area shall be the Conservators of the River Thames (hereinafter in this section called "the Conservators") and the provisions of this Act with respect to the constitution and membership of drainage boards for catchment areas shall not apply in relation to the Thames catchment area.

(2) The Conservators shall, as from the first day of April next after the commencement of this Act, consist of thirty-one members who shall be appointed in the manner specified in the Sixth Schedule to this Act together with such additional members, not exceeding three, as the Minister may determine who shall be appointed by him after consultation with the internal drainage boards in the Thames catchment area to represent such internal drainage boards.

(3) The persons who on the thirty-first day of March next after the commencement of this Act are the Conservators shall go out of office on that date, without prejudice, however, to their eligibility for reappointment under this section.

(4) The accounts of the Conservators shall show separately the receipts and expenditure of the Conservators upon and in connection with the exercise of the powers and duties conferred and imposed upon them as the Catchment Board of the Thames catchment area, distinguishing capital from revenue.

14 & 15 Geo. 5. c. lxiv.

(5) The provisions of section thirty-five (Application of revenue) of the Thames Conservancy Act, 1924, shall not apply to moneys received by the Conservators under and for the purposes of this Act:

Part VII. —*cont.*

Provided that the Conservators shall be entitled to charge such moneys with the payment of a proportionate part of the necessary and proper establishment expenses of the Conservators and of a proportionate part of the cost (including any interest and payments to sinking funds or other sums required to be provided in respect to the repayment of borrowed moneys) of any works carried out by the Conservators and the execution and performance of any powers and duties of the Conservators which are applicable to or enure for the benefit of not only the purposes of the Thames Conservancy Acts, 1894 to 1924, but also the purposes of this Act.

(6) For the purposes of the provisions of this Act relating to compensation to existing officers, the Conservators shall be deemed to have been a drainage board immediately before the commencement of this Act.

(7) Notwithstanding anything in this Act all deeds, conveyances, grants, assurances, assignments, leases, purchases, sales, mortgages, bonds, covenants, agreements, securities and contracts entered into or made and subsisting at the commencement of this Act and then in force and all obligations and liabilities incurred before the commencement of this Act shall be as binding and of as full force and effect in every respect against or in favour of the Conservators as they would or might have been against or in favour of the Conservators if this Act had not come into operation and everything before the commencement of this Act done, suffered and confirmed respectively shall be as valid as if this Act had not come into operation.

(8) Every officer or servant of the Conservators not entitled to compensation under this Act and not otherwise legally entitled to any pension or superannuation allowance who becomes incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body or who has attained the age of sixty years or who, having been in the service of the Conservators for a period of not less than five years prior to the commencement of this Act, is dismissed on any ground other than misconduct, shall upon his resigning or otherwise ceasing to hold office be entitled to a superannuation allowance upon the terms and conditions and according

to the scale from time to time applicable to persons in the permanent Civil Service of the State:

Provided that this provision shall not apply to any officer or servant who, having regard to the practice of the Conservators with regard to pensioning their officers and servants, had no reasonable expectation of receiving a pension or superannuation allowance on retirement, and any question as to whether an officer or servant had such reasonable expectation shall be determined by the Minister.

(9) The powers conferred on drainage boards by this Act with respect to the improvement of existing works and the construction of new works shall not in the case of the drainage board of the Thames catchment area become exercisable until the expiration of two years from the commencement of this Act, but nothing in this subsection shall be taken to prevent the said board from exercising before the expiration of the period aforesaid any other powers vested in them under this Act, notwithstanding that such other powers are only exercised in anticipation of the exercise after the said period of the first-mentioned powers.

Provisions as to drainage board of Lee catchment area and Lee Conservancy Board.

80.—(1) The drainage board of the Lee catchment area (in this section referred to as " the Catchment Board ") shall consist of the persons who are for the time being members of the Lee Conservancy Board (in this section referred to as " the Conservancy Board ") together with six additional members, one to be appointed by the Minister, one by the London County Council, and two each by the council of the county of Essex and the council of the county of Middlesex, and the provisions of this Act with respect to the constitution and membership of drainage boards for catchment areas (except paragraphs seven, eight and ten of Part II of the First Schedule to this Act) shall not apply in relation to the Lee catchment area.

(2) The Catchment Board shall be a body corporate under the name of the Lee Conservancy Catchment Board.

(3) An additional member of the Catchment Board appointed by a county council in pursuance of this section need not be a member of that council.

(4) Section four (Appointed members) and section fifteen (Persons disqualified from being conservators) of

the Lee Conservancy Act, 1900, and section eleven (Casual vacancies amongst appointed members) of the Lee Conservancy Act, 1921, shall apply to the additional members of the Catchment Board to be appointed in pursuance of this section :

63 & 64 Vict. c cxvii. 11 & 12 Geo. 5. c. lxxviii.

Provided that the first members so appointed shall be appointed as soon as may be after the passing of this Act, and shall, subject as in the said section four provided, continue to hold office until the first Friday in April in the year nineteen hundred and thirty-four.

(5) The moneys received by the Catchment Board under this Act shall be charged with the payment of a proportionate part of the necessary and proper establishment expenses of the Conservancy Board and of a proportionate part of the cost (including any interest and payments to sinking funds or other sums required to be provided in respect to the repayment of borrowed moneys) of any works carried out by that board and the execution and performance of any of their powers and duties which are applicable to or enure for the benefit of not only the purposes of the Lee Conservancy Acts, 1870 to 1921, but also the purposes of this Act.

(6) For the purposes of the provisions of this Act relating to compensation to existing officers the Conservancy Board shall be deemed to have been a drainage board immediately before the commencement of this Act.

(7) Every officer or servant of the Conservancy Board or of the Catchment Board not entitled to compensation under this Act, and not otherwise legally entitled to any pension or superannuation allowance, who becomes incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or who has attained the age of sixty years, or who having been in the service of the Conservancy Board for a period of not less than five years prior to the commencement of this Act, is dismissed on any ground other than misconduct, shall upon his resigning or otherwise ceasing to hold office, be entitled to a superannuation allowance upon the terms and conditions and according to the scale from time to time applicable to persons in the permanent Civil Service of the State:

Provided that this provision shall not apply to any officer or servant who having regard to the practice of the Conservators with regard to pensioning their officers

Part VII. —*cont.*

and servants had no reasonable expectation of receiving a pension or superannuation allowance on retirement and any question as to whether an officer or servant had such reasonable expectation shall be determined by the Minister.

Interpretation.

81. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Banks" means banks, walls, or embankments adjoining or confining, or constructed for the purposes of or in connection with, any channel or sea front, and includes all land between the bank and low-water mark:

"Conservancy authority" has the same meaning as in the Merchant Shipping Act, 1894:

57 & 58 Vict. c. 60.

"Defence against water" includes defence against sea water:

"Drainage," except in the phrase "any enactments relating to the drainage of land," includes defence against water, irrigation, warping and the supply of water:

"Drainage authority" means any drainage board constituted, or to be treated as having been constituted, under this Act, or any other body of persons having power to make or maintain works for the drainage of land:

"Harbour" and "harbour authority" have the same respective meanings as in the Merchant Shipping Act, 1894:

"Internal drainage district" means a drainage district within a catchment area or, in the case of a drainage district situate partly within and partly without a catchment area, so much thereof as is situate within the catchment area, and "internal drainage board" means the drainage board of an internal drainage district:

"Land" includes water and any interests in land or water and any easement or right in, to, or over land or water:

"Main river" includes any structure or appliance for controlling or regulating the flow of water in or out of the channel, and situate therein or in any part of the banks thereof other than any such structure or appliance which is vested in or controlled by an internal drainage board:

"The Minister" means the Minister of Agriculture and Fisheries:

"Navigation authority" means any person or body of persons having powers under any Act of Parliament to work or maintain a canal or other inland navigation (including a navigation in tidal water):

"Prescribed" means prescribed by regulations made by the Minister:

"Watercourse" includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers (other than sewers under the control of a local authority within the meaning of the Public Health Act, 1875) and passages, through which water flows.

38 & 39 Vict. c. 55.

Effect of Act on local Acts.

82.—(1) The powers conferred by Part V of this Act on any drainage board shall be deemed to be conferred in addition to and not in substitution for any like powers conferred by any local Act on that board.

(2) Where the boundaries of a drainage district or drainage area are altered under this Act, all powers exercisable under any local Act by the drainage board of the district or area with respect to land included therein, shall, except so far as the scheme or order effecting the alteration otherwise provides, be exercisable with respect to land added to the district or area by the scheme or order.

Repeals.

83.—(1) The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that—

(*a*) notwithstanding anything in this repeal, where any application has been made for, or any proceedings have been taken towards the making of, an order under any Act repealed by this Act, the said application may be considered and the said proceedings may be completed and an order may be made in like manner and with like effect, as if this Act had not passed;

(*b*) subject to the provisions of the preceding paragraph, nothing in this repeal shall affect

Part VII. —*cont.*

any appointment, appeal, agreement, resolution, certificate, rule, order (including provisional order), regulation, requisition or rate made, notice given or proceedings taken, or instrument issued under any enactment hereby repealed, but any such appointment, appeal, agreement, resolution, certificate, order (including provisional order), or regulation, requisition, rate, notice, proceedings, or instrument shall have effect or be continued as if made, given, taken or issued under the corresponding provision of this Act, and may be amended, varied, revoked or enforced accordingly;

(*c*) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or to the corresponding enactment in this Act.

(2) Every commission of sewers in force at the commencement of this Act shall continue in force unless and until the said commission is determined by a scheme made and approved under and in accordance with the provisions of Part II of this Act or by an order made under and in accordance with the provisions of Part III of this Act.

(3) Commissioners of Sewers shall, until the commission is determined and subject as hereinafter provided, continue to have all such powers as were vested in or exercisable by them immediately before the commencement of this Act and in addition all such powers as are given to drainage boards by the provisions of this Act:

Provided that any powers vested in or exercisable by commissioners of sewers as aforesaid shall be subject to all restrictions, conditions and qualifications which are attached to any like powers conferred on drainage boards by this Act.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Extent and short title.

84.—(1) This Act shall not extend to Scotland or Northern Ireland.

(2) This Act may be cited as the Land Drainage Act, 1930.

SCHEDULES.

FIRST SCHEDULE.

Sections 2 and 3.

Catchment Areas and Boards.

Part I.

Catchment Areas.

Areas the drainage of which is directed to the following rivers or arterial drains :—

Adur.
Alt.
Ancholme and Winterton Beck.
Anglesey rivers.
Arun.
Avon and Stour.
Avon (Bristol).
Clwyd.
Conway.
Crossens.
Cuckmere
Dee.
Derwent.
Douglas.
Dysynni.
East Norfolk rivers (including the river Waveney).
East Suffolk rivers (excluding the river Waveney).
Essex rivers.
Hull.
Kent.
Lee.
Lune.
Medway.
Mersey (above Irlam Weir) and Irwell (above Hunt's Bank).
Nene.
North Norfolk rivers.
Old Haven (Pevensey) and Bulverhythe Stream.
Ouse (Yorks).
Ouse (Great).
Ouse (Sussex).
Prysor.
Roding.
Romney and Denge Marsh Main Drains.
Rother and Jury's Gut.
Severn.
Somerset rivers.
Stour (Kent).
Stour (Essex and Suffolk).
Thames above Teddington Lock.
Thaw.
Trent.
Waver and Wampool
Weaver.
Welland.
Witham and Steeping River.
Wye.
Wyre.

1st Sch. —*cont.*

Part II.

Provisions as to Members and Proceedings of Catchment Boards.

1. The first members of the Board shall hold office until the first day of November in the calendar year next following the calendar year in which this Act comes into force.

2. Any members of the Board other than the first members thereof shall come into office on the first day of November next after the day on which they are appointed, and shall hold office for a term of three years:

Provided that—

(*a*) a member may resign his office by notice in writing under his hand given to the chairman of the Board; and

(*b*) if a member becomes bankrupt or makes a composition or arrangement with his creditors he shall vacate his office; and

(*c*) if a member is absent from meetings of the Board for more than six months consecutively he shall, unless his absence is due to illness or some other reason approved by the Board, vacate his office on the expiration of the said six months.

3. Any member shall, if he is interested in any company with which the Board has or proposes to make any contract, disclose to the Board the fact and nature of his interest, and shall take no part in any deliberation or decision of the Board relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the Board.

4. If for any reason whatsoever the place of a member of the Board becomes vacant before the end of his term of office, the vacancy shall be filled by the appointment of a new member by the Minister or by the council by whom the vacating member was appointed, as the case may be:

Provided that, where the unexpired portion of the term of office of the vacating member is less than six months, the vacancy need not be filled.

5. A person appointed to fill a casual vacancy shall hold office so long only as the vacating member would have held office.

6. A person who is an undischarged bankrupt, or who has at any time within the preceding five years made a composition or arrangement with his creditors, shall be disqualified for being appointed or being a member of the Board.

7. A vacating member shall, subject to the provisions of this Schedule, be eligible for re-appointment.

8. The proceedings of the Board shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualification of any member of the Board.

9. The Board may, with the approval of the Minister, make rules—

(*a*) for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of the Board; and

(*b*) with respect to the appointment of a chairman and a vice-chairman; and

(*c*) for enabling the Board to constitute committees and for authorising committees subject to the consent of the Board, to co-opt additional members; and

(*d*) for authorising the delegation to committees, either generally or as respects any particular area, of any of the powers or duties of the Board and for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of committees.

10. The first meeting of the Board shall be held on such day and at such time and place as may be appointed by the Minister, and the Minister shall cause notice of the meeting to be sent by post to each member of the Board not less than fourteen days before the appointed day.

11. A minute of the proceedings of a meeting of the Board or of a committee of the Board, purporting to be signed at that or the next ensuing meeting by a person describing himself as, or appearing to be, the chairman of the meeting to the proceedings of which the minute relates, shall be evidence of the proceedings and shall be received in evidence without further proof, and until the contrary is proved every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held and all the proceedings had at the meeting to have been duly had, and where the proceedings are the proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

12. The Minister may, if he thinks fit, by order authorise the Board—

(*a*) to pay to the Chairman of the Board by way of remuneration such sum as may be specified in the order; and

(*b*) to repay to the members thereof the whole or any part of any travelling expenses incurred by them in attending meetings of the Board.

Sections 13, 18, 41 and 42.

SECOND SCHEDULE.

Procedure for making and Provisions as to the Validity of Orders.

Part I.

General Provisions.

1. Before making an order the Minister shall cause notice of the intention to make the order and of the place where copies of the draft order may be inspected and obtained, and of the time within and manner in which objections to the draft order may be made, to be published in the London Gazette and in such other manner as he thinks best adapted for informing persons affected, and to be sent to the council of every county or county borough in which any part of the area proposed to be affected by the order is situate and to every drainage authority, navigation authority, harbour authority or conservancy authority which is known to the Minister to be exercising jurisdiction within the area proposed to be affected by the order.

2. Before making an order the Minister shall consider any objections which may be duly made to the draft order and may in any case cause a public local inquiry to be held with respect to any objections to the draft order.

3. The Minister may make regulations in relation to the publication of notices and advertisements under this Schedule and to the holding of and procedure at public local inquiries under this Schedule and to any other matters of procedure respecting the making of orders to which this Schedule applies.

Part II.

Provisions applicable to Orders which are Provisional if opposed.

1. After an order has been made by the Minister it shall be published in such a manner as he thinks best adapted for informing persons affected, together with a notice that the Minister has made the order, and that the order will become final and have effect unless within such period, not being less than thirty days, as may be specified in the notice, a memorial is presented to the Minister by some person affected by the order and having such interest as may be prescribed as being sufficient for the purpose praying that the order shall not become law without confirmation by Parliament.

2. If no such memorial has been presented within such period as aforesaid or if every such memorial has been withdrawn the Minister shall confirm the order and the order shall thereupon

have effect, but if such a memorial has been presented and has not been withdrawn the order shall have no effect until confirmed by Parliament.

2ND SCH. —*cont.*

3. The Minister may submit any order made by him to Parliament for confirmation.

4. If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to that order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

5. The Minister may revoke, either wholly or partially, any provisional order made by him before the order is confirmed by Parliament, but such a revocation shall not be made while the Bill confirming the order is pending in either House of Parliament.

PART III.

Provisions with respect to the Validity of Orders not confirmed by Parliament.

1. So soon as may be after an order has effect the Minister shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has come into force, and naming a place where a copy thereof may be seen at all reasonable hours.

2. If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice mentioned in paragraph 1 hereof, make an application for the purpose to the High Court, and if any such application is duly made, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with, may quash the order either generally or in so far as it affects the applicant.

3. Subject to the provisions of the last preceding paragraph an order shall not at any time be questioned by prohibition or certiorari or in any legal proceedings whatsoever.

4. Except by leave of the court of appeal no appeal shall lie to the House of Lords from a decision of the court of appeal in proceedings under this section.

Section 33.

THIRD SCHEDULE.

Drainage Boards other than Catchment Boards.

Part I.

Provisions as to Persons to vote at the Election of Members of Drainage Boards.

1. The electors for members of a drainage board for any district shall be the persons who at the date of the election own or occupy land on which a drainage rate has been levied in the year immediately preceding:

Provided that—

- (i) a person shall not be entitled to be an elector by reason of his occupation of any land if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than a month; and
- (ii) a person shall not be entitled to be an elector by reason of his ownership of any land if at the date of the election any amount demanded in respect of any owner's drainage rate levied on that land has remained unpaid for more than one month.

2. Each elector at an election of members of a drainage board shall be entitled to one or more votes in accordance with the following scale:—

Value of property.	Number of votes.
Where the rateable value of the property in respect of which the elector is entitled to vote—	
is less than £50 - - - - - -	One vote.
amounts to £50, but is less than £100 -	Two votes.
amounts to £100, but is less than £150 -	Three votes.
amounts to £150, but is less than £200 -	Four votes.
amounts to £200, but is less than £250 -	Five votes.
amounts to £250, but is less than £500 -	Six votes.
amounts to £500, but is less than £1,000 -	Eight votes.
exceeds £1,000 - - - - - -	Ten votes.

Part II.

Provisions as to Members and Proceedings of Drainage Boards.

1. No person shall be qualified for election as a member of a drainage board unless he is either—

- (*a*) the owner of not less than ten acres of land in respect of which a drainage rate may be levied by the board and situate in the electoral district for which he is a candidate for election; or

(*b*) the occupier, whether under tenancies of year to year or otherwise, of not less than twenty acres of such land as aforesaid; or

(*c*) the owner or occupier of land which is of the annual value of thirty pounds or upwards and situate in the electoral district for which he is a candidate for election; or

(*d*) a person nominated as a candidate for election by the owner (whether the owner is an individual or a body of persons) of land which is situate in the electoral district in question, and is either of not less than ten acres in extent or of the annual value of thirty pounds or upwards.

Provided that—

(i) no person shall be deemed to be qualified as aforesaid as being an occupier of any land if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than one month; and

(ii) no person shall be deemed to be qualified as aforesaid as being the owner, or a person nominated by the owner, of any land if at the date of the election any amount demanded in respect of any owner's drainage rate levied in respect of that land has remained unpaid for more than one month.

2. The first members of the board shall be persons appointed by the Minister and shall hold office until the first day of November in the calendar year next following the calendar year in which this Act comes into force.

3. Any members of the board other than the first members thereof shall come into office on the first day of November next after the day on which they are elected, and shall hold office for a term of three years:

Provided that—

(*a*) a member may resign his office by notice in writing under his hand given to the chairman of the board; and

(*b*) if a member becomes bankrupt or makes a composition or arrangement with his creditors he shall vacate his office; and

(*c*) if a member is absent from meetings of the board for more than six months consecutively, he shall, unless his absence is due to illness or some other reason approved by the board, vacate his office on the expiration of the said six months.

4. If for any reason whatsoever the place of a member of the board becomes vacant before the end of his term of office,

3rd Sch. —*cont.*

the vacancy shall be filled by the election by the board of a new member:

Provided that, where the unexpired portion of the term of office of the vacating member is less than six months, the vacancy need not be filled.

5. A person elected to fill a casual vacancy shall hold office so long only as the vacating member would have held office.

6. A person who is an undischarged bankrupt or who has at any time within the preceding five years made a composition or arrangement with his creditors shall be ineligible for election as or being a member of the board.

7. A vacating member shall, subject to the provisions of this Schedule, be eligible for re-election.

8. The proceedings of the board shall not be invalidated by any vacancy in their number, or by any defect in the appointment or qualification of any member of the board.

9. The board may, with the approval of the Minister, make rules—

(*a*) for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of the board; and

(*b*) with respect to the appointment of a chairman and a vice-chairman; and

(*c*) for enabling the board to constitute committees; and

(*d*) for authorising the delegation to committees of any of the powers of the board and for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of committees.

10. The first meeting of the board shall be held on such day and at such time and place as may be fixed by the Minister, and the Minister shall cause notice of the meeting to be sent by post to each member of the board not less than fourteen days before the appointed day.

11. A minute of the proceedings of a meeting of the board or of a committee of the board, purporting to be signed at that or the next ensuing meeting by a person describing himself as, or appearing to be, the chairman of the meeting to the proceedings of which the minute relates, shall be evidence of the proceedings and shall be received in evidence without further proof, and until the contrary is proved every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held and all the proceedings had at the meeting to have been duly had, and where the proceedings are the proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

3rd Sch. —*cont.*

12. The Minister may, if he thinks fit, by order authorise the board:

(*a*) to pay to the chairman of the board by way of remuneration such sum as may be specified in the order; and

(*b*) to repay to the members thereof the whole or any part of any travelling expenses incurred by them in attending meetings of the board.

13. Any member shall, if he is interested in any company with which the board has or proposes to make any contract, disclose to the board the fact and nature of his interest, and shall take no part in any deliberation or decision of the board relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the board.

FOURTH SCHEDULE.

Section 45.

Provisions as to the compulsory Acquisition of Land by Drainage Board.

1. Where a drainage board propose to purchase land compulsorily, the drainage board may submit to the Minister an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. An order under this Schedule shall be of no force unless and until it is confirmed by the Minister, and the Minister may confirm the order either without modification or subject to such modifications as he thinks fit, and an order when so confirmed shall, save as otherwise expressly provided by this Schedule, become final and effective.

3. The order shall be in the form prescribed and shall contain such provisions as may be prescribed for the purpose of carrying the order into effect and of protecting the drainage board and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except sections one hundred and twenty-three and one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919.

4. The order shall be published by the drainage board in the manner prescribed, and such notice of the order having been made as may be prescribed shall be given both in the locality in which

4th Sch. —*cont.*

the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land.

5. If within such period as may be prescribed no objection to the order has been presented to the Minister by a person interested in the land, or if every such objection has been withdrawn, the Minister shall, without further inquiry, confirm the order unless he is of opinion that the land is unsuited for the purpose for which it is proposed to be acquired, but, if such an objection has been presented and has not been withdrawn, the Minister shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the drainage authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry, and the Minister shall, before confirming the order, duly consider the report of the person by whom the public inquiry was held:

Provided that the Minister may dispense with the holding of a public inquiry and may confirm the order without holding such an inquiry in any case where the objectors agree that the questions raised relate exclusively to matters which could be dealt with by the arbitrator to whom questions of disputed compensation are to be referred under the order, and the Minister may, for that purpose, require any objector to state in writing the grounds of his objection.

6. In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated with the order, this Act, together with the order, shall be deemed to be the special Act, and the drainage board shall be deemed to be the promoters of the undertaking.

7. In the case of glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injuries affecting the land shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Land Acts of land belonging to a benefice.

FIFTH SCHEDULE.

Section 58.

PROVISIONS WITH RESPECT TO PROCEDURE IN THE CASE OF APPLICATIONS FOR LEAVE TO MAKE DRAINS THROUGH LANDS OF ADJOINING OWNER.

PART I.

Procedure where Adjoining Owner assents to Application.

1. The adjoining owner may by deed under his hand and seal assent to an application upon such terms and on payment of such compensation as he may require; and any assent so given shall be binding on all parties having any estate or interest in the land, provided that—

(*a*) any arrangement entered into by any adjoining owner under any disability or incapacity or not having power to assent to such application except under the provisions of this Act shall not be valid unless the said arrangement is approved by two surveyors, of whom one is to be nominated by the applicant and the other by the adjoining owner; and each of such surveyors, if they approve of the said arrangement, shall annex to the document containing the said arrangement a declaration to that effect subscribed by him;

(*b*) any compensation to be paid by the applicant to the adjoining owner in cases where such owner is under any disability or incapacity or has not power to assent to any such application except under the provisions of this Act shall be applied in manner in which the compensation coming to parties having limited interests or prevented from treating and not making title is applicable under the Lands Clauses Acts;

(*c*) any occupier or person other than the owner interested in the lands shall be entitled to compensation for any injury he may sustain by the making of the proposed drains or improvements in drains (so that the claim therefor be made within twelve months after completion of the said drains or improvements in drains) the amount of such compensation to be determined in case of dispute in the manner in which disputed compensation for land is required to be determined by the Lands Clauses Acts.

2. The applicant shall forward to the clerk of the peace of the county wherein the land is situate the deed containing the

5th Sch. —*cont.* assent of the adjoining owner to the proposed drains or improvements in drains and it shall be kept in his office as a record of the proceedings between the parties.

Part II.

Procedure where Adjoining Owner dissents.

1. The adjoining owner shall be deemed to have dissented from the application made to him if he fail to express his assent thereto within one month of the application; and in the event of his dissent there shall be decided by two or more justices in petty sessions assembled, unless the adjoining owner within the said period of one month requires their decision by arbitration, the questions following; that is to say:—

(i) whether the proposed drains or improvements in drains will cause any injury to the adjoining owner or to the occupier or other person interested in the lands;

(ii) whether any injury that may be caused is or is not of a nature to admit of being fully compensated for by money.

2. Where the justices have cognisance of the case, the same proceedings shall be had as are required under the Lands Clauses Acts, in case of a question of disputed compensation authorised to be settled by two justices, and where such questions are referred to arbitration, the same proceedings shall be had as are required by the said Acts where any question of disputed compensation authorised to be settled by arbitration has arisen, provided that the costs of the said arbitration shall be in the discretion of the arbitrators.

3. If the decision is that no injury will be caused to the adjoining owner, the occupier or other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains or improvements in drains.

4. If the decision is that injury will be caused to the adjoining owner, occupier or other parties interested in the lands, but that the injury is of a nature to admit of being fully compensated by money, the justices or arbitrators shall proceed to assess the said compensation and to apportion it amongst the parties in their judgment entitled thereto, and on payment of the sum so assessed the applicant may proceed to make the proposed drains or improvements in drains.

5. If the decision is that injury will be caused to the adjoining owner, occupier or other parties interested in the lands, and that such injury is not of a nature to be fully compensated by money, the applicant shall not be entitled to make the proposed drains or improvements in drains.

6. Where the compensation assessed by the justices or arbitrators is payable to any owner or other person who is under any disability or incapacity or is not entitled to receive the said compensation for his own benefit, the said compensation shall be applied in the manner in which the compensation coming to parties having limited interests or prevented from treating and not making title is applicable under the Lands Clauses Acts.

5th Sch. —*cont.*

7. The justices or arbitrators, as the case may be, in the event of their approving of a scheme of drainage as proposed by the applicant or as modified by themselves shall cause a map thereof to be prepared and shall certify under their hands the correctness of the said map; and it shall be the duty of the applicant to forward the said map to the clerk of the peace of the county wherein the land is situate and the said map shall be kept in his office as a record of the proceedings between the parties.

8. Where any person is desirous in pursuance of the foregoing provisions of this Schedule of constructing any drain by means whereof any natural watercourse will be diverted from its ordinary channel into any other watercourse, he shall give notice in such manner as may be prescribed both in the locality in which the drain proposed to be constructed is situate and to all owners of the land abutting upon the watercourse into which the diversion is made and situate within four miles of the point of junction, and to all other persons interested, and shall deposit such particulars of his proposals as may be prescribed with the clerk of the peace of the county wherein the proposed drain is situate; and it shall be lawful for any person being the owner of land capable of being injured by the proposed drain within eight weeks after notice of the proposed drain is given, to serve notice that he apprehends injuries therefrom on the person proposing to make the said drain, and thereupon the said owner shall be deemed to have dissented and shall be entitled to the same rights and privileges under this Act as if he were the adjoining owner.

PART III.

Provisions as to Drains or Improvements made in pursuance of the foregoing Provisions.

1. After drains have been opened or improvements in drains made in pursuance of the foregoing provisions of this Schedule it shall be lawful for the persons for the time being interested in the land for the benefit of which the drains were opened or the improvements made from time to time as it becomes necessary to enter upon the lands through which the said drains have been opened or improvements made for the purpose of

clearing out, scouring and otherwise maintaining them in a due state of efficiency, and if the said drains or improvements in drains are not kept so cleared out, scoured and maintained in a due state of efficiency, the owner or occupier for the time being of the lands through or on which the said drains or improvements in drains are made may clear out, scour and otherwise maintain the same in a due state of efficiency and recover the expenses thus incurred in a summary manner from any of the persons interested as aforesaid.

2. The owner for the time being of the land through or in which any drain may be opened or improvements in drains made in pursuance of the provisions aforesaid may fill up, divert or otherwise deal with the said drains or improvements in drains on condition of first making and laying down in lieu thereof drains equally efficient; and any dispute as to the efficiency of drains so laid down shall be decided by two or more justices assembled in petty sessions.

3. Any person who wilfully obstructs any person making any drains or improvements in drains in pursuance of the provisions aforesaid and any person who wilfully dams up, obstructs or in any way injures any drains or improvements in drains so opened or made shall for each offence incur a penalty not exceeding ten pounds to be recovered in a summary manner.

Section 79.

SIXTH SCHEDULE.

APPOINTMENT OF CONSERVATORS OF RIVER THAMES.

(1) The Conservators shall be appointed as follows:—

By the Minister - - - - - -	One
By the Board of Trade - - - -	One
By the Minister of Transport - - -	Two
By the Port of London Authority - -	One
By the Metropolitan Water Board - -	Two
By the London County Council - - -	One
By the Corporation of the City of London -	One
By the Gloucestershire County Council -	One
By the Wiltshire County Council - - -	One
By the Oxfordshire County Council - -	Two
By the Berkshire County Council - -	Two
By the Buckinghamshire County Council -	Two
By the Surrey County Council - - -	Three
By the Middlesex County Council - -	Three

6th Sch. —*cont.*

By the Hertfordshire County Council - -	Two
By the Council of the County Borough of Oxford - - - - - - - -	One
By the Council of the County Borough of Reading - - - - - - - -	One
By the Councils of the Boroughs of Windsor, Henley-upon-Thames, Maidenhead, Abingdon and Wallingford, and of the Urban Districts of Eton, Marlow, Egham, Staines, Chertsey, Weybridge, Walton, and Sunbury	Two
By the Council of the Borough of Kingston-upon-Thames and the Councils of the Urban Districts of East and West Molesey, Esher and the Dittons, Surbiton, Hampton, Hampton Wick, and Teddington - -	Two

(2) The conservators to be appointed jointly by several councils shall be appointed in such manner as the Minister of Health may by regulations prescribe.

(3) The member to be appointed by the Board of Trade shall be appointed by the Board after consultation with such persons and associations concerned in the use of the river as a place of recreation as the Board may think fit.

(4) Of the two members to be appointed by the Minister of Transport, one shall be appointed after consultation with such persons and associations concerned in the use of the river for the purpose of barge traffic as the Minister of Transport may think fit, and the other after consultation with such persons and associations concerned in the trade or business of boat-building and boat-letting on the Thames as the said Minister may think fit.

(5) Before the fifteenth day of March next after the commencement of this Act and before the fifteenth day of March in every third year thereafter persons shall be appointed to be conservators in accordance with the provisions of this Schedule and the persons so appointed shall come into office on the first day of April next following.

(6) As from the commencement of this Act the provisions of the Thames Conservancy (Appointments and Tolls) Provisional Order Act, 1910, shall have effect subject to the provisions of this Act.

10 Edw. 7. & 1 Geo. 5. c. cxxxiii.

Section 83.

SEVENTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
23 Hen. 8. c. 5.	A genꝛall Acte concꝛnynge Cōmissions of Sewers to be directed in all partȝ within the Realme.	The whole Act.
25 Hen. 8. c. 10.	An Acte concꝛnyng the acceptaunce of the othe to the Acte of Sewers.	The whole Act
3 & 4 Ed. 6. c. 8.	An Acte for the contynuance of the Statute of Sewers.	The whole Act.
1 Mar. St. 3. c. 11.	An Acte touching the Sea Sandes in Glamorganshire.	The whole Act.
13 Eliz. c. 9.	An Acte for the Commission of Sewers.	The whole Act.
3 Jac. I. c. 14.	An Acte for the explanation of the Statute of Sewers.	The whole Act.
7 Ann, c. 33	The Commissions of Sewers Act, 1708.	The whole Act.
3 & 4 Will. 4. c. 22.	The Sewers Act, 1833 - - -	The whole Act.
4 & 5 Vict. c. 45.	The Sewers Act, 1841 - - -	The whole Act.
10 & 11 Vict. c. 38.	The Land Drainage Act, 1847 -	The whole Act
12 & 13 Vict. c. 50.	The Sewers Act, 1849 - - -	The whole Act.
24 & 25 Vict. c. 133.	The Land Drainage Act, 1861 -	The whole Act.
8 Edw. 7. c. 68.	The Port of London Act, 1908 -	Subsection (1) of section eight and the Third Schedule.
5 Geo. 5. c. 4	The Land Drainage Act, 1914 -	The whole Act.
8 & 9 Geo. 5. c. 17.	The Land Drainage Act, 1918 -	The whole Act.
14 & 15 Geo. 5. c. lxiv.	The Thames Conservancy Act, 1924	Section forty-eight.
16 & 17 Geo. 5. c. 24.	The Land Drainage Act, 1926 -	The whole Act.

7th Sch. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19 Geo. 5. c. 17.	The Local Government Act, 1929 -	In section eighty-one, the words "and "any authority, person or "body of persons having "power to "levy a drainage rate."
20 Geo. 5. c. 8.	The Land Drainage Act, 1929 -	The whole Act.

CHAPTER 45.

An Act to establish a Court of Criminal Appeal in Northern Ireland and to amend the law relating to appeals in criminal cases in Northern Ireland. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Court of Criminal Appeal.

Constitution of Court of Criminal Appeal.

1.—(1) There shall be a Court of Criminal Appeal in Northern Ireland (hereafter in this Act referred to as "the Court"), and all the judges of the Supreme Court of Judicature of Northern Ireland shall be judges of the Court.

(2) For the purpose of hearing and determining appeals under this Act, or any matter preliminary or incidental to an appeal, the Court shall be summoned in accordance with directions given by the Lord Chief Justice, and shall sit in Belfast except in cases where the Lord Chief Justice gives special directions that it shall sit at some other place.

(3) Subject to the provisions of the two subsections next following, the Court, for the purpose of hearing and determining appeals under this Act or any matter preliminary or incidental to an appeal, shall be duly constituted if it consists either of two or of three judges.

(4) Any matter preliminary or incidental to an appeal may be heard and determined by a single judge:

Provided that an appellant who is aggrieved by the decision of a single judge on any such matter shall be entitled to have the matter re-heard and determined by the Court as constituted in manner provided by the last foregoing subsection.

(5) Where any appeal or matter before the Court is heard by two judges and those judges differ in opinion, it shall be re-heard by three judges, and where any appeal or matter before the Court is heard by three judges, it shall be determined according to the opinion of the majority of those judges.

(6) The Lord Chief Justice, if present, and in his absence the senior member of the Court, shall be president of the Court.

(7) Unless the Court direct to the contrary in cases where, in the opinion of the Court, the question is a question of law on which it would be convenient that separate judgments should be pronounced by the members of the Court, the judgment of the Court shall be pronounced by the president of the Court or such other member of the Court hearing the case as the president directs, and no judgment with respect to the determination of any question shall be separately pronounced by any other member of the Court.

(8) The Court shall be a superior court of record, and shall, for the purposes of and subject to the provisions of this Act, have full power to determine, in accordance with this Act, any questions necessary to be determined for the purpose of doing justice in the case before the Court.

(9) Rules of court shall provide for securing sittings of the Court, if necessary during vacation.

(10) The registrar of the Supreme Court of Northern Ireland shall be the registrar of the Court (hereafter in this Act referred to as "the Registrar"), and the Lord Chief Justice may direct any other officer of, or attached

to, the Supreme Court of Northern Ireland to render such assistance to the Registrar as the Lord Chief Justice may think necessary for the purposes of this Act and in the event of any vacancy in the office of the Registrar or in the event of the incapacity of the Registrar to act from any reason, the Lord Chief Justice may direct any other officer of the Supreme Court of Northern Ireland to exercise the powers and perform the duties of the Registrar under this Act.

(11) Any direction which may be given by the Lord Chief Justice under this section may, in the event of any vacancy in that office or in the event of the incapacity of the Lord Chief Justice to act from any reason, be given by the senior judge of the Court.

Right of Appeal and Determination of Appeals.

Right of appeal in criminal cases.

2. A person convicted on indictment may appeal under this Act to the Court—

(1) against his conviction on any ground of appeal which involves a question of law alone; and

(2) with the leave of the Court, or upon the certificate of the judge who tried him that it is a fit case for appeal, against his conviction on any ground of appeal which involves a question of fact alone or a question of mixed law and fact, or on any other ground which appears to the Court, or to the judge aforesaid, to be a sufficient ground of appeal; and

(3) with the leave of the Court, against the sentence passed on his conviction, unless the sentence is one fixed by law:

Provided that a person sentenced to penal servitude and preventive detention in pursuance of the Prevention of Crime Act, 1908, may appeal against the sentence without the leave of the Court.

8 Edw. 7. c. 59.

Determination of appeals in ordinary cases.

3.—(1) Subject to the provisions of this Act, the Court on any such appeal against conviction shall allow the appeal if they think that—

(*a*) the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence; or (*b*) the judgment of the court before whom the appellant was convicted should be set aside on the ground of a wrong decision of any question of law; or

(*c*) on any ground there was a miscarriage of justice;

and in any other case shall dismiss the appeal:

Provided that the Court may, notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred.

(2) Subject to the provisions of this Act, the Court shall, if they allow an appeal against conviction, quash the conviction and direct a judgment and verdict of acquittal to be entered.

(3) On any appeal, whether against conviction or against sentence, the Court shall, if they think that a different sentence should have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in law (whether more or less severe) in substitution therefor as they think ought to have been passed.

Powers of Court in special cases.

4.—(1) If it appears to the Court that an appellant, though not properly convicted on some count or part of the indictment, has been properly convicted on some other count or part of the indictment, the Court may instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty on that other count or part of the indictment, and may either affirm the sentence passed on the appellant at the trial, or pass such sentence in substitution therefor as they may think proper, and as may be warranted in law by the verdict so substituted.

(2) Where an appellant has been convicted of an offence and the jury could on the indictment have found him guilty of some other offence, and on the finding of the jury it appears to the Court that the jury must have been satisfied of facts which proved him guilty of that other offence, the Court may, instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty of that other offence, and

pass such sentence in substitution for the sentence passed at the trial as may be warranted in law by the verdict so substituted.

(3) Where on the conviction of the appellant the jury have found a special verdict, and the Court consider that a wrong conclusion has been arrived at by the court before which the appellant has been convicted on the effect of that verdict, the Court may, instead of allowing the appeal, order such conclusion to be recorded as may appear to the Court to be in law required by the verdict, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law.

(4) If on any appeal it appears to the Court that, although the appellant was guilty of the act or omission charged against him, he was insane at the time the act was done or omission made so as not to be responsible according to law for his actions, the Court may quash the sentence passed at the trial and order the appellant to be kept in custody as a criminal lunatic under the Trial of Lunatics Act, 1883, in the same manner as if a special verdict had been found by the jury under that Act.

46 & 47 Vict. c. 38.

Re-vesting and restitution of property on conviction.

56 & 57 Vict. c. 71.

5.—(1) The operation of any order for the restitution of any property to any person made on a conviction on indictment, and the operation in case of any such conviction of the provisions of subsection (1) of section twenty-four of the Sale of Goods Act, 1893, as to the re-vesting of property in stolen goods on conviction, shall, unless the court before whom the conviction takes place direct to the contrary in any case in which, in their opinion, the title to the property is not in dispute, be suspended—

(*a*) in any case until the expiration of ten days after the date of the conviction; and

(*b*) in cases where notice of appeal or leave to appeal is given within ten days after the date of conviction, until the determination of the appeal;

and in cases where the operation of any such order, or the operation of the said provisions, is suspended until the determination of the appeal, the order or provisions, as the case may be, shall not take effect as to the property in question if the conviction is quashed on appeal.

Provision may be made by rules of court for securing the safe custody of any property pending the suspension of the operation of any such order or of the said provisions.

(2) The Court may by order annul or vary any order made on a trial for the restitution of any property to any person, although the conviction is not quashed; and the order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

Decision of Court to be final subject to appeal to House of Lords.

6.—(1) If in any case the prosecutor or defendant obtains the certificate of the Attorney-General that the decision of the Court involves a point of law of exceptional public importance, and that it is desirable in the public interest that a further appeal should be brought, he may appeal from that decision to the House of Lords, but subject thereto the determination by the Court of any appeal or other matter which they have power to determine shall be final and no appeal shall lie from the Court to any other court.

(2) An application to the Attorney-General under this section for a certificate authorising an appeal to the House of Lords shall be made within a period of seven days from the date when the decision of the Court was given.

Procedure.

Time for appealing.

7.—(1) Where a person convicted desires to appeal under this Act to the Court, or to obtain the leave of the Court to appeal, he shall give notice of appeal or notice of his application for leave to appeal, in such manner as may be directed by rules of court, within ten days of the date of his conviction in the case of appeal or application for leave to appeal against conviction or within ten days of the date of his sentence in the case of appeal or application for leave to appeal against sentence:

Provided that, except in the case of a conviction involving sentence of death, the time within which notice of appeal or notice of an application for leave to appeal may be given, may be extended at any time by the Court.

(2) In the case of a conviction involving sentence of death or corporal punishment—

(*a*) the sentence shall not in any case be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(*b*) if notice is so given, the appeal or application shall be heard and determined with as much expedition as practicable, and the sentence shall not be executed until after the determination of the appeal, or, in cases where an application for leave to appeal is finally refused, of the application.

Judge's notes and report to be furnished on appeal.

8. The judge or chairman of any court before whom a person is convicted shall, in the case of an appeal under this Act against the conviction or against the sentence, or in the case of an application for leave to appeal under this Act, furnish to the Registrar, in accordance with rules of court, his notes of the trial, and a report giving his opinion upon the case or upon any point arising in the case.

Supplemental powers of Court.

9. For the purposes of this Act, the Court may, if they think it necessary or expedient in the interest of justice—

(*a*) order the production of any document, exhibit, or other thing connected with the proceedings, the production of which appears to them necessary for the determination of the case; and

(*b*) order any witnesses who would have been compellable witnesses at the trial to attend and be examined before the Court, whether they were or were not called at the trial, or order the examination of any such witnesses to be conducted in manner provided by rules of court before any judge of the Court or before any other person appointed by the Court for the purpose, and allow the admission of any depositions so taken as evidence before the Court; and (*c*) receive the evidence, if tendered, of any witness (including the appellant) who is a competent but not compellable witness, and, if the appellant makes an application for the purpose, of the husband or wife of the appellant, in cases where the evidence of the husband or wife could not have been given at the trial except on such an application; and

(*d*) where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which cannot in the opinion of the Court conveniently be conducted before the Court, order the reference of the question in manner provided by rules of court for inquiry and report to a special commissioner appointed by the Court, and act upon the report of any such commissioner so far as they think fit to adopt it; and

(*e*) appoint any person with special expert knowledge to act as assessor to the Court in any case where it appears to the Court that such special knowledge is required for the proper determination of the case;

and may exercise in relation to the proceedings of the Court any other powers which may for the time being be exercised by the Court of Appeal in Northern Ireland on appeals in civil matters, and issue any warrants necessary for enforcing the orders or sentences of the Court:

Provided that in no case shall any sentence be increased by reason of or in consideration of any evidence that was not given at the trial.

Presentation of appellant's case.

10.—(1) Rules of court shall enable an appellant on an appeal under this Act to present his case and his argument in writing, instead of by oral argument, if he so desires, and any case or argument so presented shall be considered by the Court.

(2) The Court may at any time assign to an appellant a solicitor and counsel or counsel only in an appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the Court, it appears that it is desirable in the interests of justice that the appellant

should have legal aid, and that he has not sufficient means to enable him to obtain that aid.

Right of appellant to be present.

11.—(1) An appellant, notwithstanding that he is in custody, shall be entitled to be present, if he desires it, on the hearing of his appeal to the Court, except where the appeal is on some ground involving a question of law alone, but in that case, and on any proceedings preliminary or incidental to an appeal, shall not be entitled to be present, except where rules of court provide that he shall have the right to be present, or where the Court gives him leave to be present.

(2) The power of the Court to pass any sentence under this Act may be exercised notwithstanding that the appellant is for any reason not present.

Costs of appeal.

12.—(1) On the hearing and determination of an appeal or any proceedings preliminary or incidental thereto under this Act no costs shall be allowed on either side.

(2) The expenses of any solicitor or counsel assigned to an appellant under this Act, and the expenses of any witnesses attending on the order of the Court or examined in any proceedings incidental to the appeal, and of the appearance of an appellant on the hearing of his appeal or on any proceedings preliminary or incidental to the appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the Court for the purpose, or any reference of a question to a special commissioner appointed by the Court, or of any person appointed as assessor to the Court, shall be defrayed, up to an amount allowed by the Court, in the same manner as the expenses of a prosecution in cases of felony.

Position of appellant pending determination of appeal.

13.—(1) The Court may, if they think fit, on the application of an appellant, admit the appellant to bail pending the determination of the appeal.

(2) An appellant who is detained in custody shall, pending the determination of the appeal, be treated in such special manner as may be directed by prison rules.

(3) Where the Court has allowed an appeal against conviction and the prosecutor gives notice to the Court immediately after the decision of the Court has been

given on the appeal that he intends to apply to the Attorney-General for a certificate authorising an appeal to the House of Lords, the Court may make an order providing for the detention of the defendant in custody, or directing that the defendant shall not be released except on bail, until either the Attorney-General has refused to grant the certificate or a decision on the appeal has been given by the House of Lords, as the case may be.

(4) The time during which an appellant, pending the determination of the appeal, is not detained in custody, and, subject to any directions which the Court may give to the contrary on any appeal, the time during which the appellant, if detained in custody, is specially treated in accordance with prison rules under this section, shall not count as part of any term of imprisonment or penal servitude under his sentence, and, in the case of an appeal under this Act, any imprisonment or penal servitude under the sentence of the appellant, whether it is the sentence passed by the court of trial or the sentence passed by the Court, shall, subject to any directions which may be given by the Court as aforesaid, be deemed to be resumed or to begin to run, as the case requires, if the appellant is detained in custody, as from the day on which the appeal is finally determined, and, if he is not detained in custody, as from the day on which he is received into prison under the sentence.

(5) Provision shall be made by prison rules for the manner in which an appellant, when detained in custody, is to be brought to any place at which he is entitled to be present for the purposes of this Act, or to any place to which the Court may order him to be taken for the purpose of any proceedings of the Court, and for the manner in which he is to be kept in custody while absent from prison for the purpose; and an appellant whilst in custody in accordance with those rules shall be deemed to be in legal custody.

(6) Prison rules for the purposes of this section shall be made by the Ministry, subject to the approval of the Governor and Privy Council of Northern Ireland, and section fifty-seven of the General Prisons (Ireland) Act, 1877, which provides conditions applicable to rules under that Act, shall apply to rules under this section.

40 & 41 Vict. c. 49.

14.—(1) The Registrar shall take all necessary steps for obtaining a hearing under this Act of any appeals or applications to the Court, notice of which is given to him under this Act, and shall obtain and lay before the Court in proper form all documents, exhibits, and other things relating to the proceedings in the court before which the appellant was tried which appear necessary for the proper determination of the appeal or application.

Duties of registrar with respect to notices of appeal, &c.

(2) If it appears to the Registrar that any notice of an appeal against a conviction purporting to be on a ground of appeal which involves a question of law alone does not show any substantial ground of appeal, the Registrar may refer the appeal to the Court for summary determination, and, where the case is so referred, the Court may, if they consider that the appeal is frivolous or vexatious, and can be determined without adjourning the proceedings for a full hearing, dismiss the appeal summarily, without calling on any persons to attend the hearing or to appear for the Crown thereon.

(3) Any documents, exhibits, or other things connected with the proceedings on the trial of any person on indictment who, if convicted, is entitled or may be authorised to appeal under this Act, shall be kept in the custody of the court of trial in accordance with rules of court made for the purpose, for such time as may be provided by the rules, and subject to such power as may be given by the rules for the conditional release of any such documents, exhibits, or things from that custody.

(4) The Registrar shall furnish the necessary forms and instructions in relation to notices of appeal or notices of application under this Act to any person who demands them, and to officers of courts, governors of prisons, and such other officers or persons as he thinks fit, and the governor of a prison shall cause those forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under this Act, and shall cause any such notice given by a prisoner in his custody to be forwarded on behalf of the prisoner to the Registrar.

(5) The Registrar shall report to the Court or some judge thereof any case in which it appears to him that,

although no application has been made for the purpose, a solicitor and counsel or counsel only ought to be assigned to an appellant under the powers given to the Court by this Act.

Shorthand notes of trial.

15.—(1) Shorthand notes shall be taken of the proceedings at the trial of any person on indictment who, if convicted, is entitled or may be authorised to appeal under this Act, and on any appeal or application for leave to appeal a transcript of the notes or any part thereof shall be made, if the Registrar so directs, and furnished to the Registrar for the use of the Court or any judge thereof, and also, upon the payment of such charges as the Treasury may fix, to any party interested.

(2) The Minister may also, if he thinks fit in any case, direct a transcript of the shorthand notes to be made and furnished to him for his use.

(3) The cost of taking any such shorthand notes and of any transcript furnished to the Registrar or the Minister shall be defrayed as part of the expenses of the Court (in accordance with scales of payment fixed for the time being by the Treasury) out of moneys provided by Parliament, and rules of court may make such provision as is necessary for securing the accuracy of the notes to be taken and for the verification of the transcript.

Rules of court.

40 & 41 Vict. c. 57.

16.—(1) Rules of court for the purposes of this Act shall be made, and may be altered or annulled, in the same manner as rules of court made under section sixty-one of the Supreme Court of Judicature (Ireland) Act, 1877, as amended by any subsequent enactment or Order in Council, and, for the purposes of section sixty-nine of the said Act, shall be deemed to be rules of court required by the said Act to be laid before each House of Parliament:

Provided that no rule affecting the governor or any other officer of a prison or any officer having the custody of an appellant shall be made except after consultation with the Ministry.

(2) Rules of court made for the purposes of this Act may make provision with respect to any matter for which

provision is to be made under this Act by rules of court, and may regulate generally the practice and procedure under this Act, and the officers of any court before whom an appellant has been convicted, and the governor or other officers of any prison or other officer having the custody of an appellant and any other officers or persons, shall comply with any requirements of those rules so far as they affect those officers or persons and compliance with those rules may be enforced by order of the Court.

Supplemental.

Prerogative of mercy.

17.—(1) Nothing in this Act shall affect the prerogative of mercy, but the Minister on the consideration of any petition for the exercise of His Majesty's mercy, having reference to the conviction of a person on indictment or to the sentence (other than sentence of death) passed on a person so convicted, may, if he thinks fit, at any time and whether an appeal or an application for leave to appeal against the conviction or sentence has or has not previously been heard and determined by the Court, either—

(*a*) refer the whole case to the Court, and the case shall then be heard and determined by the Court as in the case of an appeal by a person convicted; or

(*b*) if he desires the assistance of the Court on any point arising in the case with a view to the determination of the petition, refer that point to the Court for their opinion thereon, and the Court shall consider the point so referred and furnish the Minister with their opinion thereon accordingly.

(2) Notwithstanding anything contained in section nineteen of this Act, the powers conferred on the Minister by this section may, at any time after the thirty-first day of March, nineteen hundred and thirty-one, be exercised in the case of a person sentenced on or before that date in like manner as if he had been sentenced after that date.

Abolition of existing procedure in criminal appeals. 11 & 12 Vict. c. 78.

18. Writs of error, and the powers and practice now existing in the High Court in Northern Ireland in respect of motions for new trials or the grant thereof in criminal cases, are hereby abolished and the Crown Cases Act, 1848, shall cease to have effect and, except as provided by this Act, no appeal shall lie from any judgment of the High Court in any criminal cause or matter.

Application.

19.—(1) This Act shall, save as otherwise expressly provided, apply in the case of all persons tried and convicted on indictment, who are sentenced after the thirty-first day of March, nineteen hundred and thirty-one, but shall not affect the rights as respects appeal of any person sentenced on or before that date.

(2) This Act shall apply in the case of a person tried and convicted on a criminal information or a coroner's inquisition as if he had been tried and convicted on indictment but shall not apply in the case of a peer or peeress, or other person claiming the privilege of peerage, convicted on indictment or inquisition charging him or her with any offence not lawfully triable by a court of assize.

8 Edw. 7. c. 67.

(3) This Act shall apply in the case of a parent or guardian against whom an order is made under section ninety-nine of the Children Act, 1908, by a court of assize or court of quarter sessions, as if he had been tried and convicted on indictment and as if the order were a sentence passed on his conviction.

4 & 5 Geo. 5. c. 58.

(4) This Act shall apply in the case of a person sentenced to detention in a Borstal Institution by a court of quarter sessions under section ten of the Criminal Justice Administration Act, 1914, as if the proceedings before the court of quarter sessions were a trial on indictment and as if he had been convicted on indictment:

Provided that no such person shall appeal under this Act against his conviction.

Interpretation.

20. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Appellant" includes a person who has been convicted and desires to appeal under this Act;

"Attorney-General" means the Attorney-General for Northern Ireland;

"The Court" means the Court of Criminal Appeal in Northern Ireland constituted by this Act;

"Lord Chief Justice" means the Lord Chief Justice of Northern Ireland;

"Minister" and "Ministry" mean, respectively, the Minister and the Ministry of Home Affairs for Northern Ireland;

"Sentence" includes any order of the court of trial made on conviction with reference to the person convicted or his wife or children, and any recommendation of that court as to the making of a deportation order in the case of a person convicted, and the power of the Court to pass a sentence includes a power to make any such order or recommendation which could lawfully have been made by the court of trial.

Short title, extent and repeal.

21.—(1) This Act may be cited as the Criminal Appeal (Northern Ireland) Act, 1930.

(2) This Act shall not extend to England or Scotland.

10 & 11 Geo. 5. c. 67.

(3) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

(4) The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULE.

Section 21.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Vict. c. 78.	The Crown Cases Act, 1848 -	The whole Act.
40 & 41 Vict. c. 57.	The Supreme Court of Judicature (Ireland) Act, 1877.	Section fifty; in section sixty-five the words "including the practice "and procedure with "respect to Crown "cases reserved."
8 Edw. 7. c. 59.	The Prevention of Crime Act, 1908.	Paragraph (*f*) of section eighteen.
8 Edw. 7. c. 67.	The Children Act, 1908 -	Paragraph (16) of section one hundred and thirty-three.
13 Geo. 5. c. 2.	The Irish Free State (Consequential Provisions) Act, 1922 (Session 2).	In sub-paragraph (2) of paragraph six of the First Schedule the words from "Questions "under" to the end of the sub-paragraph.

CHAPTER 46.

An Act to relieve the Principal Librarian of the British Museum of the care of the Natural History Departments of the Museum and from liability to enter into a bond for the due discharge of the duties of his office.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Transfer of responsibility in respect of Natural History Departments of the British Museum from the Principal Librarian to the Director of the Departments.

1. Section sixteen of the Act passed in the twenty-sixth year of the reign of George the Second, Chapter twenty-two, and entitled "An Act for the purchase of "the Museum or Collection of Sir Hans Sloane and of "the Harleian Collection of Manuscripts and for providing one general repository for the better reception "and more convenient use of the said collections, and "of the Cottonian Library, and of the additions "thereto," shall, so far as it requires the care and custody of the British Museum to be chiefly committed to the Principal Librarian, cease to have effect in relation to the Natural History Departments of the Museum and the care and custody of those Departments shall be committed to the Director of those Departments.

Relief of Principal Librarian of British Museum from liability to enter into bond under 26 Geo. 2. c. 22, s. 16.

2. The words "after he shall become bound to the "said Trustees by this Act appointed for the due and "faithful discharge of his office, in such penal sum, not "being less than one thousand pounds, as the said "Trustees at any general meeting assembled or the "major part of them shall think proper" in the said section sixteen are hereby repealed.

Short title and commencement.

3.—(1) This Act may be cited as the British Museum Act, 1930.

(2) This Act shall come into operation on the next occurrence of a vacancy in the office of Principal Librarian of the British Museum.

CHAPTER 47.

An Act to raise to sixty million pounds the limit on the amount of the advances by the Treasury to the Unemployment Fund which may be outstanding during the deficiency period.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Increase of limit of Treasury advances. 11 & 12 Geo. 5. c. 1

1. The limit on the amount of the advances to be made by the Treasury to the Unemployment Fund under section five of the Unemployment Insurance Act, 1921, as amended by subsequent enactments, which may be outstanding during the deficiency period, shall be raised to sixty million pounds.

Short title, extent and repeal.

2.—(1) This Act may be cited as the Unemployment Insurance (No. 3) Act, 1930, and shall be included among the Acts which may be cited together as the Unemployment Insurance Acts, 1920 to 1930.

(2) This Act shall not extend to Northern Ireland.

20 & 21 Geo. 5. c. 19.

(3) The Unemployment Insurance (No. 2) Act, 1930, is hereby repealed.

CHAPTER 48.

An Act to enable effect to be given to a Treaty signed at London on behalf of His Majesty and certain other Powers and to repeal section four of the Treaties of Washington Act, 1922.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of 12 & 13 Geo. 5. c. 21.

1.—(1) Section one of the Treaties of Washington Act, 1922 (which imposes restrictions on the building and delivery of vessels of war for the purpose of securing the observance of the obligations imposed by the Treaty for the Limitation of Naval Armament, signed at Washington on the sixth day of February, nineteen hundred and twenty-two), shall have effect as if the reference in the proviso to subsection (1) of the said section to the said Treaty included a reference to the Treaty for the Limitation and Reduction of Naval Armament, which was signed on behalf of His Majesty in London on the twenty-second day of April, nineteen hundred and thirty, and contains, among other provisions, the provisions set out in the Schedule to this Act.

(2) This section shall come into operation on such date as may be fixed by Order of His Majesty in Council.

2. Section four of the Treaties of Washington Act, 1922 (which provides for the trial and punishment of persons violating certain rules for the protection of neutrals and non-combatants at sea) shall cease to have effect.

Repeal of s. 4 of 12 & 13 Geo. 5. c. 21.

3. This Act may be cited as the London Naval Treaty Act, 1930.

Short title.

SCHEDULE.

ARTICLES OF TREATY FOR LIMITATION AND REDUCTION OF NAVAL ARMAMENT.

Article 3.

1. For the purposes of the Washington Treaty, the definition of an aircraft carrier given in Chapter II, Part 4 of the said Treaty is hereby replaced by the following definition:

> The expression "aircraft carrier" includes any surface vessel of war, whatever its displacement, designed for the specific and exclusive purpose of carrying aircraft and so constructed that aircraft can be launched therefrom and landed thereon.

2. The fitting of a landing-on or flying-off platform or deck on a capital ship, cruiser or destroyer, provided such vessel was not designed or adapted exclusively as an aircraft carrier, shall not cause any vessel so fitted to be charged against or classified in the category of aircraft carriers.

Article 4.

* * * * *

2. As from the coming into force of the present Treaty in respect of all the High Contracting Parties, no aircraft carrier of 10,000 tons (10,160 metric tons) or less standard displacement,

mounting a gun above 6·1 inch (155 mm.) calibre shall be constructed within the jurisdiction of any of the High Contracting Parties.

Article 5.

An aircraft carrier must not be designed and constructed for carrying a more powerful armament than that authorised by Article IX or Article X of the Washington Treaty, or by Article 4 of the present Treaty, as the case may be.

Wherever in the said Articles IX and X the calibre of 6 inches (152 mm.) is mentioned, the calibre of 6·1 inches (155 mm.) is substituted therefor.

Article 6.

1. The rules for determining standard displacement prescribed in Chapter II, Part 4 of the Washington Treaty shall apply to all surface vessels of war of each of the High Contracting Parties.

2. The standard displacement of a submarine is the surface displacement of the vessel complete (exclusive of the water in non-watertight structure) fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions for crew, miscellaneous stores, and implements of every description that are intended to be carried in war, but without fuel, lubricating oil, fresh water or ballast water of any kind on board.

3. Each naval combatant vessel shall be rated at its displacement tonnage when in the standard condition. The word "ton," except in the expression "metric tons," shall be understood to be the ton of 2,240 pounds (1,016 kilos.).

Article 7.

1. No submarine the standard displacement of which exceeds 2,000 tons (2,032 metric tons) or with a gun above 5·1 inch (130 mm.) calibre shall be acquired by or constructed by or for any of the High Contracting Parties.

2. Each of the High Contracting Parties may, however, retain, build or acquire a maximum number of three submarines of a standard displacement not exceeding 2,800 tons (2,845 metric tons); these submarines may carry guns not above 6·1 inch (155 mm.) calibre. Within this number, France may retain one unit, already launched, of 2,880 tons (2,926 metric tons), with guns the calibre of which is 8 inches (203 mm.).

* * * * *

4. As from the coming into force of the present Treaty in respect of all the High Contracting Parties, no submarine the standard displacement of which exceeds 2,000 tons (2,032 metric tons) or with a gun above 5·1 inch (130 mm.) calibre shall be constructed within the jurisdiction of any of the High Contracting Parties, except as provided in paragraph 2 of this Article.

CHAPTER 49.

An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Appointment of Public Works Loan Commissioners for five years. 38 & 39 Vict. c. 89.

1. Whereas the term of office of persons who are, at the passing of this Act, Public Works Loan Commissioners under the Public Works Loans Act, 1875, will expire at the end of a period of five years from the first day of April, nineteen hundred and twenty-six, and it is expedient to appoint Commissioners for a further period of five years:

Therefore the following persons (that is to say):—

The Right Honourable Lord Hunsdon,
The Honourable Evelyn Hubbard,
Edward Henry Loyd, Esquire,
Robert Lydston Newman, Esquire,
The Right Honourable Lord Clwyd,
Laurence Currie, Esquire,
Anthony de Rothschild, Esquire,
Alfred Mildmay, Esquire,
The Honourable Sir William Henry Goschen, K.B.E.
Sir Charles Eric Hambro, K.B.E.,
Charles Robert Gilliat, Esquire,
Granville Edward Bromley Bromley-Martin, Esquire,

Alexander Balfour Williamson, Esquire,
Edward Clifton Brown, Esquire,
Robert Wallace, Esquire,
Reginald Abel Smith, Esquire,
Michael Herbert, Esquire,
Albert Charles Gladstone, Esquire,
William Baker Neville, Esquire,
Charles Latham, Esquire,
Harrison Barrow, Esquire,
William Turner Jackson, Esquire,

shall, after the passing of this Act, be Public Works Loan Commissioners under the Public Works Loans Act, 1875, and shall hold office until the expiration of five years from the first day of April, nineteen hundred and thirty-one.

Grants for public works.

2.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of thirty million pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

Certain debt not to be reckoned as asset of local loans fund.

3. Whereas it is expedient that the principal of the several local loans specified in the tables contained in the First Schedule to this Act should, to the extent specified in the last column of those tables, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887:

Now, therefore, the principal of the said loans, to the extent aforesaid, shall be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of balance of principal and interest in respect of loans to which preceding section applies

4. Whereas it is provided by the last preceding section of this Act that the principal of the local loans specified in the tables contained in the First Schedule to this Act shall, to the extent of the sums respectively specified in the last column of those tables be written off from the assets of the local loans fund:

And whereas the said sums constitute respectively the balances or portions of the balances remaining unpaid out of the total amounts advanced, and are irrecoverable:

and of interest in respect of certain other loans.

And whereas certain sums are outstanding in respect of arrears of interest on the loans specified in the Second Schedule to this Act and the said sums are irrecoverable:

Now, therefore, the principal of the said loans specified in the tables contained in the First Schedule to this Act shall, to the extent aforesaid, be extinguished and all arrears of interest on those loans and on the loans specified in the Second Schedule to this Act shall be remitted.

Remission of principal and interest in respect of certain loans already written off assets of local loans fund.

5. Whereas the principal of the several loans specified in the table contained in the Third Schedule to this Act was, to the extent of the sums respectively specified in the third column of the said table, written off from the assets of the local loans fund by the Acts respectively specified in the fourth column of the said table, but the said amounts, together with arrears of interest thereon remain unpaid and are irrecoverable:

Now, therefore, the said principal sums shall be extinguished and all arrears of interest thereon shall be remitted.

Remission of outstanding interest on loan to Scrabster Harbour Trustees.

6. Whereas a sum of ten thousand one hundred and eighty-nine pounds and ten pence was, on the thirty-first day of March, nineteen hundred and thirty, outstanding in respect of arrears of interest payable on a loan of thirteen thousand pounds made by the Public Works Loan Commissioners to the Scrabster Harbour Trustees under the Harbours and Passing Tolls, &c., Act, 1861:

24 & 25 Vict. c. 47.

And whereas the said arrears of interest are irrecoverable:

Now, therefore, the said arrears of interest shall be remitted.

Short title.

7. This Act may be cited as the Public Works Loans Act, 1930.

SCHEDULES.

Sections 3 and 4.

FIRST SCHEDULE.

Part I.

Loans by Public Works Loan Commissioners under the Harbours and Passing Tolls, &c., Act, 1861.

Name of Borrower.	Amount of Loan.	Amount to be written off.		
	£	£	*s.*	*d.*
Fraserburgh Harbour Commissioners	40,000	15,334	17	4
	40,000	15,224	4	3
	20,000	5,420	9	0
	33,000	2,689	16	6
	30,000	1,411	15	4
	12,000	451	13	3
Balintore Harbour Trustees	2,000	2,000	0	0
Thurso River Harbour Trustees	13,000	13,000	0	0

Part II.

Loans by Public Works Loan Commissioners under the Agricultural Credits Act, 1923.

	£	£	*s.*	*d.*
Mr. Everard Collington	4,700	457	3	1
Mr. Ernest William Curtis	2,025	956	4	1
Mr. John Derry	2,775	890	16	5
Mr. William Grewcock	8,100	2,050	19	9
Mr. George Underwood Alexander Read	1,620	247	17	8
Mr. James and Mrs. Susan Savage	2,750	434	12	11
Mr. Gavin Tudhope	4,500	1,331	3	5

SECOND SCHEDULE.

Section 4.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE HARBOURS AND PASSING TOLLS ACT.

Name of Borrower.	Amount of Loan.
	£
Fraserburgh Harbour Commissioners -	50,000
Do. do. -	45,000

THIRD SCHEDULE.

Section 5.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE HARBOURS AND PASSING TOLLS, &c., ACT, 1861, AND UNDER THEIR GENERAL POWERS.

Name of Borrower.	Amount of Loan.	Amount of Principal outstanding.			Acts.
	£	£	*s.*	*d.*	
Port Ness Harbour Trustees.	2,000	1,978	14	0	Public Works Loans Act, 1918.
Rosehearty Harbour Commissioners.	6,000	4,167	0	7	Public Works Loans Act, 1887.
Dingwall Harbour Commissioners.	1,800	1,269	2	7	Public Works Loans Act, 1906.

CHAPTER 50.

An Act to expedite the procedure for empowering local authorities and statutory undertakers to execute works which will contribute to the relief of unemployment; to facilitate the acquisition by such authorities and undertakers of land and easements required for the purposes of their functions; and for purposes connected with the matters aforesaid. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Procedure for conferring on local authorities and statutory undertakers power to execute works.

1.—(1) Subject to the provisions of this Act, any powers required by a local authority or by statutory undertakers for the purpose of enabling them to execute works which will contribute to the relief of unemployment may be conferred on them by a scheme made, and confirmed by Parliament in accordance with the provisions of this section, and any such scheme may contain any provisions which might have been contained in a local Act.

(2) Any local authority or statutory undertakers requiring any such powers as aforesaid, may submit to the appropriate Minister the draft of a scheme containing such provisions as appear to them necessary for conferring those powers and any incidental, supplemental and consequential provisions necessary for giving full effect to the scheme, together with an estimate of the cost of the works proposed to be executed and the like plans and sections as they would have been required by the Standing Orders of either House of Parliament to deposit if they had proceeded by an application for a private Bill instead of under this section, and if the Minister is satisfied—

(*a*) that the works to be executed under the powers proposed to be conferred by the scheme will materially contribute to the relief of unemployment; and

(*b*) that the relief to unemployment will be materially expedited by reason of the powers being conferred by a scheme under this section instead of by a local Act; and

(*c*) that the powers proposed to be conferred by the scheme are such as are customarily conferred on local authorities or statutory undertakers by local Acts; and

(*d*) that the powers proposed to be conferred will not enable the local authority or statutory undertakers to undertake functions of a different nature from those already within their statutory powers;

he may, subject to the provisions of this section, make the scheme and submit it for confirmation by Parliament.

(3) A scheme under this section may authorise a local authority or statutory undertakers to acquire compulsorily and enter upon any land required for the purposes of the works to be executed under the powers proposed to be conferred by the scheme in like manner as if it had been an order under section two of this Act.

(4) Upon an application being made to the Minister for a scheme under this section—

(*a*) the Minister shall, before making the scheme, require the applicants, in accordance with directions given by him, to serve notice of the application for the scheme upon every person upon whom, if they had proceeded by an application for a private Bill instead of under this section, they would have been required by such Standing Orders as aforesaid to serve notice of application for the Bill; to furnish to any authorities appearing to him to be affected such notices and documents as he may direct; and to give, in such manner as he may consider best adapted for informing any other persons affected, notice by public advertisement of the application for the scheme, and of the manner in which and the time within which objections thereto may be made to him, and of the place where the draft scheme and such other documents as the Minister may direct may be inspected, and copies thereof made or purchased; so, however, that any such public advertisement shall be required to contain the like information, and to be published in the same newspapers and at the same intervals, and the like gazette notice thereof shall be required to be given as would, if the applicants had proceeded by an application for a private Bill instead of under this section. have been required by such Standing Orders as aforesaid;

(*b*) the Minister shall, if he submits the scheme for confirmation by Parliament, also lay before Parliament his certificate that the requirements made by him under the last foregoing paragraph have been complied with.

(5) Before making any scheme under this section, the Minister may direct an inquiry to be held with respect to the draft thereof, and, if any objections are duly made to any such draft scheme and not withdrawn, the Minister shall not make the scheme until such an inquiry has been held with respect to the objections.

(6) Where any such inquiry is directed to be held, the inquiry shall be held at such place as may be determined by the Minister by a tribunal consisting of one or more persons nominated by him (not being persons having any interest in the subject matter of the inquiry), and section one of the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the tribunal as if the tribunal had been established and that Act had been applied thereto in manner provided by that Act; and the tribunal shall, as soon as may be after holding the inquiry, make a report to the Minister recommending whether the scheme should be made and if made, what modifications, if any, should, in the opinion of the tribunal, be made in the draft scheme.

11 & 12 Geo. 5. c. 7.

The costs incurred by any tribunal in relation to any such inquiry with respect to a draft scheme (including the remuneration of any member of the tribunal) shall, save in so far as the whole or any part thereof may be ordered by the Minister to be paid by any person whose objection is reported by the tribunal to have been frivolous, be paid by the local authority or statutory undertakers by whom the draft scheme was submitted to the Minister, and the Minister may certify the amount of the costs so payable by any person, authority or undertakers, and any sum so certified shall be a debt to the Crown from that person, authority or undertakers, as the case may be.

(7) The public shall be entitled to be present at any hearing by a tribunal of an inquiry under this section and any person appearing to the tribunal to be interested may appear in person or by counsel, solicitor or parliamentary agent.

(8) Upon receiving the report of any such tribunal with respect to a draft scheme, the Minister may, after considering the report and making in the draft scheme such modifications, if any, as appear to him to be necessary, make the scheme in the terms of the draft and shall, if he submits the scheme for confirmation by Parliament, also lay the report before Parliament.

(9) A scheme under this section shall be of no effect unless confirmed by Parliament, and if the Minister submits a scheme for such confirmation, he shall do so by introducing in Parliament a Bill to confirm the scheme, and the Bill, after introduction, shall be deemed to have passed through all its stages up to and including Committee and shall be ordered to be considered in either House as if reported from a Committee, and when the Bill has been read a third time and passed in the first House of Parliament the like proceedings shall be taken in the second House of Parliament.

(10) Any scheme under this section may be amended or revoked by means of a subsequent scheme submitted to Parliament by the appropriate Minister on the application of any local authority or statutory undertakers having powers under the original scheme, and the foregoing provisions of this section shall, so far as

applicable, apply to any such subsequent scheme in like manner as to the original scheme.

Power to make orders authorising local authorities and statutory undertakers to purchase land compulsorily for certain purposes.

2.—(1) Any local authority or statutory undertakers may be authorised to purchase land compulsorily for any of the purposes specified in Part I of the First Schedule to this Act by means of an order (in this Act referred to as a "compulsory purchase order") made and submitted to the appropriate Minister and confirmed by him in accordance with the provisions of Part II of that Schedule, and the provisions of Part III of that Schedule shall have effect with respect to the validity and date of operation of any such order:

Provided that—

15 & 16 Geo. 5. c. 14.

(*a*) sections one hundred and three to one hundred and five of the Housing Act, 1925 (which impose restrictions on the acquisition of commons, open spaces and certain other lands) shall apply with respect to any order made under this section as if those sections were herein re-enacted with the necessary adaptations and in terms made applicable thereto, but subject to the modification that references in the said sections to "the Minister" shall be construed as references to "the appropriate Minister" except the reference in subsection (2) of the said section one hundred and four which shall be construed as a reference to the Minister of Health; and

(*b*) where an enactment in force immediately before the commencement of this Act, which authorises the compulsory acquisition of land for any purpose for which land has been authorised to be acquired compulsorily by an order made under this section, contains a provision that the arbitrator in determining the amount of any disputed compensation shall have regard to the extent to which the remaining and contiguous lands and hereditaments belonging to the same proprietor may be benefited by the proposed work for which the land is authorised to be acquired, that provision shall have effect as respects land authorised to be acquired compulsorily by the said order.

(2) Where any local authority or statutory undertakers are by any such order as aforesaid authorised to purchase land compulsorily, then, at any time after notice to treat has been served, the local authority or statutory undertakers may, after giving to the owner and occupier of the land not less than fourteen days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

8 & 9 Vict. c. 18.

Provisions as to land belonging to local authorities and public undertakings.

3. Nothing in this Act shall authorise the compulsory acquisition of any land which is the property of any local authority or has been acquired by any statutory undertakers for the purposes of their undertaking, but any scheme or order confirmed under this Act may authorise a highway authority to acquire compulsorily, subject to any conditions imposed by the scheme or order, an easement or right in, to, or over any such land for the purposes of the construction, improvement, or enlargement of any bridge under or over such land or of the approaches to any such bridge, and any such scheme or order may be made for that purpose notwithstanding that the scheme or order does not authorise the purchase of any land:

Provided that any scheme or order authorising a highway authority to acquire compulsorily an easement or right for the purpose of substituting a bridge for any level crossing over a railway shall make provision as to the authority or person by whom the bridge and the approaches thereto are to be maintained, and the provisions of sections six and seven of the Bridges Act, 1929, shall, as set out with modifications in the Second Schedule to this Act, apply with respect to the apportionment of the expenses of the construction and maintenance thereof.

19 & 20 Geo. 5. c. 33.

Amendment of 10 & 11 Geo. 5. c. 57. s. 2 (1).

4. The following provisions shall have effect with respect to subsection (1) of section two of the Unemployment (Relief Works) Act, 1920, that is to say—

(*a*) the word "arterial" shall be omitted;

(*b*) it is hereby declared that in the proviso the expression "building or structure" does not include any fence of whatsoever material built or constructed.

Amendment of 9 & 10 Geo.5. c.100.

5. Upon the submission to the Minister of Transport of any special order made by the Electricity Commissioners under the Electricity (Supply) Acts, 1882 to 1928, if the Minister is satisfied—

(*a*) that in accordance with rules made by the Commissioners under section thirty-four of the Electricity (Supply) Act, 1919, sufficient notice of the application for the order has been given for informing all persons to be affected thereby; and

(*b*) that there is no unwithdrawn objection thereto other than an objection which, in his opinion, is frivolous or has been removed by amendments made to the order by the Commissioners,

then, notwithstanding anything in subsection (2) of section thirty-five of the last-mentioned Act, he may, in lieu of complying with the requirements of the Schedule to that Act, give notice of his intention to confirm the order without complying with those requirements to any person who has made to the order an objection which has not been withdrawn, but which appears to the Minister to be frivolous or to have been removed by amendments made to the order by the Commissioners, and, after considering any representations made by any such persons, the Minister may confirm the special order in like manner as if a public inquiry had been held under that Schedule and lay it before Parliament in manner provided by the said Acts.

Interpretation.

6.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Appropriate Minister" means, in relation to any scheme or order to be made or confirmed, or certificate to be given under this Act on the application of any local authority or statutory undertakers, the Secretary of State or other Minister in charge of the Government Department concerned with the functions of the authority or undertakers to which the scheme, order or certificate relates:

"Local Act" includes any Provisional or other Order having the force of an Act:

"Local authority" means any body having power to levy a rate or to issue a precept to a rating authority; and "rate" and (except in relation to London) "rating authority" have the same meanings respectively as in the Rating and Valuation Act, 1925: 15 & 16 Geo. 5. c. 90.

"Prescribed" means prescribed by the appropriate Minister:

"Statutory undertakers" means any persons authorised by any public, general, or local Act to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking.

(2) If any question arises as to who was or is the appropriate Minister in relation to any scheme or order made or confirmed or to be made or confirmed or certificate given or to be given under this Act, the question shall be referred to and determined by the Treasury whose decision shall for all purposes be final.

(3) A scheme under section one of this Act shall not be deemed to be a Provisional Order.

Application to Scotland.

7. This Act shall apply to Scotland subject to the following modifications:—

(*a*) in section one "appropriate Minister" means the Secretary of State;

(*b*) for any reference to sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845, there shall be substituted a reference to sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845; the expression "easement" shall mean "servitude"; the expression "local authority" means a county or town council; and the expression "lands and hereditaments" shall mean "lands and heritages"; 8 & 9 Vict. c. 19.

(*c*) for paragraph (*a*) of the proviso to subsection (1) of section two the following paragraph shall be substituted—

(*a*) Sections eighty-six to eighty-eight of the Housing (Scotland) Act, 1925 (which impose restrictions on the acquisition of commons, open spaces, and certain other lands) shall apply as if these sections were herein re-enacted with the necessary adaptations and in terms made applicable thereto, but subject to the modification that references to "the Board" shall be construed as references to "the appropriate Minister," except the reference in subsection (2) of the said section eighty-seven which shall be construed as a reference to the Department of Health for Scotland;

15 & 16 Geo. 5. c. 15.

(*d*) for references to section ninety-two and to sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, there shall be substituted respectively references to section ninety and to sections one hundred and twenty to one hundred and twenty-five of the Lands Clauses Consolidation (Scotland) Act, 1845; for references to section seventy-seven and to sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845, there shall be substituted respectively references to section seventy and to sections seventy-one to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845;

8 & 9 Vict. c. 20.

8 & 9 Vict. c. 33.

(*e*) for any reference to a municipal corporation there shall be substituted a reference to a town council; for any reference to section one hundred and five of the Municipal Corporations Act, 1882, there shall be substituted a reference to section three hundred and fifteen of the Burgh Police (Scotland) Act, 1892; and for any reference to section one hundred and sixteen of the Housing Act, 1925, and for any reference therein to the Minister of Health, there shall be substituted respectively a reference to section ninety-six of the Housing (Scotland) Act, 1925,

45 & 46 Vict. c. 50.

55 & 56 Vict. c. 55.

and a reference therein to the Scottish Board of Health;

(*f*) sub-paragraph (*b*) of paragraph 2 of Part II and paragraph 6 of Part III of the First Schedule shall not apply;

(*g*) for references to the High Court or to the Court of Appeal there shall be substituted references to the Court of Session, and for references to prohibition or certiorari there shall be substituted references to reduction or interdict and any application to the Court of Session under paragraph two of Part III of the First Schedule shall be by summary petition.

Short title, extent, saving and duration.

8.—(1) This Act may be cited as the Public Works Facilities Act, 1930.

(2) This Act shall not extend to Northern Ireland.

(3) All powers given by this Act shall be in addition to and not in derogation of any other powers conferred by any other Act.

(4) This Act shall continue in force until the thirty-first day of December, nineteen hundred and thirty-two, and no longer unless Parliament otherwise determines:

Provided that the expiry of this Act shall not—

(*a*) affect the previous operation thereof or anything duly done or suffered thereunder; or

(*b*) affect any right, privilege, obligation or liability acquired, accrued or incurred or any scheme or order having effect thereunder; or

(*c*) affect any legal proceeding, arbitration, remedy or investigation in respect of such right, privilege, obligation or liability as aforesaid;

and any such legal proceeding, arbitration, remedy or investigation may be instituted, enforced or continued as if this Act had not expired.

SCHEDULES.

FIRST SCHEDULE.

Compulsory Purchase Orders.

Part I.

Purposes for which the Purchase of Land may be Authorised by a Compulsory Purchase Order.

1. Any purpose for which the local authority or statutory undertakers with respect to whom the order is made could be authorised to acquire compulsorily the land with respect to which it is made by an order having effect (either with or without approval by Parliament) under some enactment in force immediately before the commencement of this Act.

2. The provision of aerodromes under the Air Navigation Act, 1920.

3. The provision of open spaces by councils of metropolitan boroughs.

4. The provision by a municipal corporation of any building for which they are authorised to purchase land by section one hundred and five of the Municipal Corporations Act, 1882.

Part II.

Procedure with Respect to the Making, Submission and Confirmation of Compulsory Purchase Orders.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except section ninety-two of the Lands Clauses Consolidation Act, 1845);

(*b*) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act ; and

(*c*) in the following cases the Acquisition of Land (Assessment of Compensation) Act, 1919, that is to say, in the case of an order made by a local authority, or by a public authority within the meaning of that Act :

1st Sch. —*cont.*

Provided that the Minister may direct with respect to any such order made by a local authority that the order shall not incorporate sections one hundred and twenty-seven to one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845, or any of those sections.

2. The modifications, subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—

(*a*) In lieu of section ninety-two of the Lands Clauses (Consolidation) Act, 1845, the following provisions shall have effect—

> No person shall be required to sell a part only of any house, building, or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the arbitrator determines that in the case of a house, building, or manufactory such part as is proposed to be taken can be taken without material detriment to the house, building, or manufactory, or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and, if he so determines, he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the local authority or statutory undertakers that part of the house, building, manufactory, park or garden; and

(*b*) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

3. Before submitting the order to the Minister the local authority or statutory undertakers shall—

(*a*) publish in one or more newspapers circulating within the district in which they exercise their functions a notice in the prescribed form stating the fact of such

1st Sch. —*cont.*

an order having been made and describing the area comprised therein, and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve in the prescribed manner on every owner, lessee and occupier (except tenants for a month or less period than a month) of any land included in the area to which the order relates a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that—

(*a*) the Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed;

(*b*) the order as confirmed by the Minister shall not authorise the local authority or statutory undertakers to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification.

Section one hundred and sixteen of the Housing Act, 1925, shall apply with respect to any public local inquiry held under this Part of this Schedule as if for references therein to the Minister of Health and to that Act there were therein substituted respectively references to the appropriate Minister and to this Part of this Schedule.

5. In construing for the purpose of this Part of this Schedule or any order made thereunder any enactment incorporated in the order this Act, together with the order, shall be deemed to be the special Act, and the local authority or statutory undertakers shall be deemed to be the promoters of the undertaking.

1st Sch. —*cont.*

Part III.

Provisions with respect to the Validity and Date of Operation of Compulsory Purchase Orders.

1. As soon as may be after the compulsory purchase order has been confirmed by the Minister, the local authority or statutory undertakers, as the case may be, shall publish in a newspaper circulating in the district to which the order relates a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the order, appeared at the public local inquiry in support of his objection.

2. If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within twenty-one days after the publication of the notice of confirmation, make an application for the purpose to the High Court, and if any such application is duly made the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order either generally or in so far as it affects any property of the applicant.

3. Subject to the provisions of the last preceding paragraph, an order shall not, either before or after its confirmation, be questioned, by prohibition or certiorari or in any legal proceedings whatsoever, and shall become operative at the date on which notice of its confirmation is published in accordance with the provisions of paragraph 1 of this Part of this Schedule.

4. Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this Part of this Schedule.

5. As soon as may be after an order has become operative, the local authority or statutory undertakers, as the case may be, shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Minister for confirmation.

6. Until rules of court are made regulating the procedure on applications to the High Court under this Part of this Schedule, the following temporary rules shall have effect with respect thereto—

(i) The application shall be made by an originating notice of motion to a judge of the High Court selected for the purpose by the Lord Chancellor:

1st Sch. —*cont.*

(ii) The notice of motion shall state the grounds for the application, and the date mentioned in the notice for the hearing of the application shall be not less than eight days after the service of the notice:

(iii) The notice of motion shall be served before the expiration of twenty-one days after the publication of the notice of confirmation of the order to which the application relates on the local authority or statutory undertakers by whom the order was made and on the Minister, and shall be entered at the Crown Office within the same period:

(iv) The evidence upon the hearing of the application shall be by affidavit except in so far as the Court at the hearing may direct oral evidence to be given:

(v) The ordinary practice and rules of the King's Bench Division shall apply so far as they are applicable, and are not inconsistent with the provisions of this Act or of these temporary rules.

SECOND SCHEDULE.

Provisions of 19 & 20 Geo. 5. c. 33. applied with Modifications to Schemes and Orders for the Compulsory Acquisition of Rights to Substitute Bridges for Level Crossings over Railways.

Apportionment of costs.

6.—(1) The expenses of the construction and maintenance of the bridge and the approaches thereto shall be paid either wholly by the highway authority, or partly by the highway authority and partly by the persons by whom the easement or right is granted (hereinafter referred to as "the grantors"), as in default of agreement may be determined by arbitration:

Provided that, unless otherwise agreed—

(*a*) any additional expense incurred by the grantors by reason of any alteration of the railway due to the provisions of the scheme or order, not being provisions applied for by the grantors for the improvement of their undertaking shall be defrayed by the highway authority:

(*c*) except so far as any additional expense is due to works executed at the instance of the grantors for the improvement of their undertaking, the grantors' share of the expense of the construction or maintenance shall be an amount equivalent to the estimated saving to the grantors by reason of the substitution of the bridge for the level crossing.

2nd Sch. —*cont.*

(2) Any additional expense incurred by the grantors after and in consequence of the construction of the bridge in connection with the widening or alteration of the railway under or over the bridge or the approaches thereto shall be defrayed by the highway authority; and any question whether such additional expense has been so incurred or as to the amount thereof shall, in default of agreement, be determined by arbitration.

Arbitration, &c.

7.—(2) Where under the foregoing provisions of this Schedule the grantors are required to contribute to the expenses of a highway authority, the contribution shall, at the option of the grantors, be either—

(*a*) a lump sum; or

(*b*) an annual payment for such amount and continuing for such number of years as, in default of agreement, may be determined by arbitration; or

(*c*) an annual payment continuing indefinitely of such amount as, in default of agreement, may be determined by arbitration.

(3) Any such lump sum and so much of any such annual payment as represents capital shall be applied by the highway authority for the purposes for which capital money is applicable by them, and any question as to what part of any such annual payment represents capital shall be determined by the Minister of Health.

CHAPTER 51.

An Act to impose, in the interests of safety, precautions to be observed in the construction, alteration, and use of reservoirs, and to amend the law with respect to liability for damage and injury caused by the escape of water from reservoirs. [1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Precautions to be observed in the construction of large reservoirs.

1.—(1) After the commencement of this Act a large reservoir shall not be constructed unless a qualified civil engineer within the meaning of this Act is employed to design and supervise the construction thereof.

(2) As soon as the engineer so employed as aforesaid considers that the construction has reached a stage at which the reservoir can properly be filled wholly or partially with water, he shall give a certificate (hereinafter referred to as the "preliminary certificate") specifying the level up to which the reservoir may be filled and the conditions (if any) subject to which it may be so filled.

Any such preliminary certificate may from time to time be varied by the said engineer either by specifying a higher or lower level or by imposing conditions subject to which the reservoir may be filled or altering any conditions already imposed.

(3) If, after the issue of a preliminary certificate, the said engineer is satisfied that the reservoir is sound and satisfactory and may safely be used for the storage of water, he shall give a certificate (hereinafter referred to as the "final certificate") to that effect, and the final certificate shall specify the level up to which water may be stored and the conditions (if any) subject to which it may be so stored:

Provided that the said engineer shall not issue a final certificate specifying as the level up to which water may be stored a level lower than the top water level unless either the undertakers consent or more than three years have elapsed since the issue of the preliminary certificate.

(4) No such reservoir shall be filled with water either wholly or partially or used for the storage of water—

(*a*) before the issue of a preliminary certificate;

(*b*) in the interval between the issue of a preliminary certificate and the final certificate, otherwise than in accordance with the preliminary certificate or such variations thereof as may from time to time be in force;

(*c*) after the issue of the final certificate, otherwise than in accordance with that certificate.

(5) The said engineer shall also, at the time when he gives the final certificate or at such earlier date after the completion of the works as may be practicable, furnish detailed drawings and descriptions of the works actually constructed and shall certify that the works have been efficiently executed in accordance with those drawings and descriptions.

The drawings and descriptions shall be annexed to and shall be deemed to form part of the certificate so given, and shall contain full information regarding the works actually constructed, including dimensions and levels and details of the geological strata or deposits encountered in trial holes or excavations made in connection with the works.

(6) Every certificate given under this section shall be in the prescribed form and shall be delivered to and kept by the undertakers.

(7) For the purposes of this section the expression "top water level" in relation to any reservoir means the highest level up to which the reservoir was designed to be used for the storage of water.

(8) Where at the commencement of this Act a large reservoir is in the course of construction—

(*a*) in a case where the reservoir has not at the commencement of this Act been filled wholly or partially with water, the provisions of this section, other than subsection (1) thereof, shall apply in relation to the reservoir;

(*b*) in a case where the reservoir has at the commencement of this Act been filled wholly or partially with water, the engineer employed to design and supervise the construction thereof shall, as soon as practicable after the commencement of this Act, give a certificate specifying the level up to which the reservoir may be filled and the conditions (if any) subject to which it may be so filled, and that certificate shall have effect for the purposes of this section as a preliminary certificate, and the provisions of this section, other than subsection (1) and paragraph (*a*) of subsection (4) thereof, shall apply in relation to the reservoir accordingly;

(*c*) in either case, the certificates required under this section may be given by the engineer responsible for supervising the construction of the reservoir notwithstanding that he is not a qualified civil engineer within the meaning of this Act.

Periodical inspection of large reservoirs.

2.—(1) It shall be the duty of the undertakers to cause a periodical inspection, and a report of the result thereof, to be made in accordance with the provisions of this section in respect of any large reservoir, whether constructed before or after the commencement of this Act, in which water is stored.

(2) The first inspection shall be made—

(*a*) in the case of a reservoir constructed before the commencement of this Act, or of a reservoir in course of construction at the commencement of this Act, within three years from the commencement of this Act;

(*b*) in the case of a reservoir constructed after the commencement of this Act, at the expiration of a period not exceeding ten years from the date of the preliminary certificate given in relation to the reservoir under the last foregoing section:

Provided that, if in the case of a reservoir in course of construction at the commencement of this Act the engineer responsible for supervising the construction of the reservoir becomes a qualified civil engineer within the meaning of this Act, this subsection shall apply as if the reservoir had been constructed after the commencement of this Act.

(3) Subsequent inspections shall be made at intervals of not more than ten years:

Provided that, if the report of the result of any inspection made under this section contains a recommendation that the next inspection should be made within a period of less than ten years, the interval in such case shall not exceed the period stated in the report.

(4) Where any alterations to a large reservoir are carried out, being alterations which do not increase the capacity of the reservoir but are such as might affect

the safety of the reservoir, then, unless a qualified civil engineer within the meaning of this Act is employed to design and supervise the carrying out of the alterations, it shall be the duty of the undertakers to cause an inspection of the reservoir, and a report of the result thereof, to be made as soon as practicable after the alterations have been completed.

(5) Every inspection and report required under this section shall be made by an independent qualified civil engineer within the meaning of this Act appointed for the purpose by the undertakers:

Provided that, where there is in the employment of the undertakers a qualified civil engineer within the meaning of this Act, who is responsible to the undertakers for the maintenance of the reservoir, the undertakers may appoint that engineer to make any such inspection and report.

(6) On the appointment of an engineer to make an inspection under this section, the undertakers shall publish in such manner as may be prescribed notice of the fact and of the name of the engineer appointed and shall afford the engineer so appointed all reasonable facilities for an effective inspection and shall furnish him with the record required to be kept by them under this Act and copies of the certificates (if any) delivered to them under this Act, and such further information and particulars relating to the reservoir as he may require, including, in the case of an inspection subsequent to the first inspection, copies of all reports made on every previous inspection under this Act.

If the undertakers fail to publish the name of an engineer as required by this subsection, they shall be liable on summary conviction to a fine not exceeding twenty pounds.

(7) Every report of the result of an inspection made under this section shall be made as soon as practicable after the inspection and shall be in the prescribed form and shall be sent to the undertakers and kept by them, and where the report contains a recommendation that any measures should be taken in the interests of safety, the undertakers shall as soon as practicable carry such measures into effect under the supervision of a qualified civil engineer within the meaning of this Act.

(8) If the undertakers feel aggrieved by any recommendation contained in a report made under this section, being a recommendation as to the time within which the next inspection is to be made or as to the measures to be taken in the interests of safety, they may, in accordance with rules made under this section, refer their complaint to such independent qualified civil engineer within the meaning of this Act as may be appointed by agreement between them and the engineer who made the report or, in default of their agreement, to such person as the Secretary of State may appoint, and the referee, after investigating the complaint, shall have power to make such modifications in the report as he thinks fit, and the report shall, for the purposes of this Act, have effect accordingly.

(9) The Secretary of State may make rules as to the time within which a referee may be appointed by agreement under the last foregoing subsection, as to the time within which, and the manner in which, a request for the appointment of a referee under the last foregoing subsection may be made to him, as to the procedure before the referee and as to the costs of the proceedings before and investigation by the referee (including the remuneration of the referee), so, however, that the said costs (including the said remuneration) shall be paid by the undertakers.

(10) For the purposes of this section "independent" in relation to an engineer means an engineer who is not in the employment of the undertakers otherwise than in a consultant capacity and who is not the engineer responsible for the design or construction of the reservoir.

The keeping of records.

3. The undertakers shall keep in relation to any large reservoir a record in the prescribed form, giving such information at such intervals as may be prescribed, as to—

(*a*) water levels and depth of water, including the flow of water over the waste weir or overflow;

(*b*) leakages, settlements of walls and other works, and repairs;

(*c*) such other matters as may be prescribed.

Publicati
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reports.

4.—(1) Within one month after the receipt of a certificate or report under this Act, the undertakers shall publish in the prescribed manner notice of the fact and of the place where the certificate or report may be inspected.

(2) The undertakers, on being so requested by the council of any county, municipal or metropolitan borough, or district likely to be affected by the escape of water from the reservoir, or by any person resident in or interested in property in any area likely to be so affected, shall—

(*a*) give information as to whether any such certificate or report has been received, and such information as may reasonably be required as to the measures (if any) taken or proposed to be taken to give effect to any recommendations in any such report;

(*b*) produce for inspection any certificate or report which the undertakers are under this Act required to keep;

(*c*) supply a copy, certified to be a true copy, of any such certificate or report on payment of the reasonable cost of copying.

(3) If the undertakers contravene or fail to comply with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding ten pounds.

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sessions.

5.—(1) Where any such council or person as is mentioned in the last foregoing section alleges—

(*a*) that the provisions of this Act relating to the construction of reservoirs are not being complied with in respect of any reservoir; or

(*b*) that a reservoir has been filled or used in contravention of the provisions of this Act; or

(*c*) that an inspection and report thereon has not been made in accordance with the requirements of this Act; or

(*d*) that the measures stated in any report of the result of an inspection to be necessary in the interests of safety have not been taken or have not been carried into effect under the supervision of a qualified civil engineer within the meaning of the Act;

the council or person may apply to the court of quarter sessions for the county or borough in which any part of the reservoir is situate, and on such application that court may make such order in relation to the reservoir as seems to them to be required in the interests of safety

(2) If, on any such application as aforesaid, it appears to the court that the undertakers have failed to comply with any of the requirements of this Act, the court may, whether or not they make such order as aforesaid, order that the undertakers shall forfeit to His Majesty such sum, not exceeding five hundred pounds, as the court think fit.

(3) On any such application the court may make such order as to payment of the costs of the application as the court think fit.

Alteration
f reservoirs.

6. Where a reservoir is at the commencement of this Act in the course of being altered, or a reservoir, whether constructed before or after the commencement of this Act, is after the commencement of this Act altered, so as to increase the capacity thereof, and the reservoir is a large reservoir, or will when altered become a large reservoir, the foregoing provisions of this Act shall apply subject to the following modifications—

(*a*) references to the construction of reservoirs shall include references to such alterations as aforesaid;

(*b*) in section one references to a reservoir shall be construed as references to that part of the reservoir which will provide the additional capacity.

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7. Where damage or injury is caused by the escape of water from a reservoir constructed after the commencement of this Act under statutory powers granted after the passing of this Act, the fact that the reservoir was so constructed shall not exonerate the undertakers from any indictment, action or other proceedings to which they would otherwise have been liable.

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ngineers.

8.—(1) There shall be constituted a panel of civil engineers for the purposes of this Act, or if the Secretary of State so determines after consultation with the President of the Institution of Civil Engineers, or, if that institution appoint a committee for the purpose, with that committee, different panels for different purposes of this Act or for different classes of reservoirs.

(2) Any civil engineer may apply in the prescribed manner to be placed on any panel, and the Secretary of State, if satisfied after such consultation as aforesaid, that the applicant is qualified to be placed on that panel, shall appoint him to be a member thereof.

(3) The Secretary of State may remove any engineer from any panel constituted under this section if satisfied after such consultation as aforesaid that the engineer is not fit to remain on that panel.

(4) In exercising his functions under this section, the Secretary of State shall act in conjunction with the Minister of Health and the Department of Health for Scotland.

Expenses of council.

9. Any expenses incurred under this Act by the council of any county, borough or district, other than expenses incurred by the council as undertakers, shall—

(*a*) in the case of a county council, be defrayed as expenses for general county purposes or, if the Minister of Health by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order:

(*b*) in the case of the council of a metropolitan borough, be defrayed as part of the general expenses of the council:

(*c*) in the case of the council of a municipal borough or urban district, be defrayed as part of the expenses of the council in the execution of the Public Health Acts, 1875 to 1926:

(*d*) in the case of the council of a rural district, be defrayed as part of the general expenses of the council in the execution of the Public Health Acts, 1875 to 1926, or, if the Minister of Health by order so directs, shall be levied as special expenses.

Interpretation.

10.—(1) For the purposes of this Act, unless the context otherwise requires—

The expression "large reservoir" means a reservoir (whether constructed under statutory powers or not, and whether intended for the purpose of impounding water or for service purposes) designed to hold, or capable of holding, more than five million gallons of water above the natural level of any part of the land adjoining the reservoir:

The expression "qualified civil engineer within the meaning of this Act" means a civil engineer who is a member of the panel of civil engineers constituted for the purposes of this Act or, if different panels are constituted for different purposes of this Act, or for different classes of reservoirs, a member of the appropriate panel:

The expression "undertakers" means the persons for the time being carrying on any undertaking comprising or intended to comprise a reservoir or, when a reservoir is not used or intended to be used for the purpose of any undertaking, the owners or lessees thereof:

The expression "prescribed" means prescribed by regulations made by the Secretary of State in conjunction with the Minister of Health and the Department of Health for Scotland.

(2) Where a contract for the construction or alteration of a reservoir has been entered into, but the construction or alteration has not been commenced before the commencement of this Act, the reservoir shall be deemed to be a reservoir in the course of construction or alteration at the commencement of this Act.

Application to Scotland

11. This Act shall apply to Scotland subject to the following modifications:—

(1) References to the council of a borough and of a district shall be respectively construed as references to a town council and a county council;

(2) For any reference to a court of quarter sessions for the county or borough in which any part of the reservoir is situate, there shall be substituted a reference to the sheriff within whose jurisdiction any part of the reservoir is situate;

(3) The following section shall be substituted for section nine:—

> "Any expenses incurred under this Act by any county or town council, other than expenses incurred as undertakers, shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine."

Short title, commencement and extent.

12.—(1) This Act may be cited as the Reservoirs (Safety Provisions) Act, 1930.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-one.

(3) This Act shall not extend to Northern Ireland.

TABLE II.

A TABLE
OF
THE TITLES OF THE MEASURES PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND WHICH RECEIVED THE ROYAL ASSENT DURING THE SESSION.

[20 & 21 George 5.]

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20 George 5.

Royal Assent, 20th March, 1930.

No. 1. A Measure to consolidate and amend the Law relating to the sale, purchase and improvement of Parsonage Houses. (*Parsonages.*)

No. 2. A Measure to provide for the disannexation from the Archdeaconry of Surrey of the Canonry in Winchester Cathedral now annexed thereto; for the suspension of the said Canonry; and for the foundation of Canonries in the Cathedral Churches of Guildford and Portsmouth and the endowment thereof out of the corporate property of the Dean and Chapter of Winchester. (*Archdeaconry of Surrey.*)

No. 3. A Measure to enable marriages to be solemnized in any church which is the usual place of worship of the persons to be married or of either of them. (*Marriage.*)

Royal Assent, 15th April, 1930.

No. 4. A Measure to enable pensions to be granted to certain of the Church Estates Commissioners. (*Ecclesiastical Commissioners* (*Pensions of Church Estates Commissioners*).)

No. 5. A Measure to enable the Ecclesiastical Commissioners to make additional provision for the Cure of Souls in parishes in the Diocese of Sodor and Man. (*Ecclesiastical Commissioners* (*Sodor and Man*).)

20 & 21 GEORGE 5.

ROYAL ASSENT, 4TH JUNE, 1930.

No. 6. A Measure to establish a system of Pensions for Older Incumbents, and for that purpose to amend the Incumbents Resignation Acts, 1871 and 1887, and the Clergy Pensions Measures, 1926 to 1928. (*Clergy Pensions* (*Older Incumbents*).)

ROYAL ASSENT, 1ST AUGUST, 1930.

No. 7. A Measure to amend the law relating to the holding of benefices in plurality, and for that purpose to extend the powers exerciseable under the Union of Benefices Measure, 1923. (*Pluralities.*)

No. 8. A Measure to regulate the transfer of the Rights of Patronage of Benefices. (*Benefices* (*Transfer of Rights of Patronage*).)

MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND WHICH RECEIVED THE ROYAL ASSENT DURING THE YEAR 1930.

20 Geo. 5.

No. 1.

A MEASURE passed by the National Assembly of the Church of England.

To consolidate and amend the Law relating to the sale, purchase and improvement of Parsonage Houses. [20th March 1930.]

Sales of parsonage houses; consents; notices, &c.

1.—(1) Where the residence house, gardens, orchard and appurtenances belonging to any benefice shall be inconveniently situate or too large, or where for other good and sufficient reasons it shall be thought advisable to sell and dispose of the same or of any part thereof, the incumbent of such benefice, or during a vacancy the bishop, may, subject to the provisions of this Measure—

(i) sell such residence house, gardens, orchard, and appurtenances, or any of them, or any part thereof, with any land contiguous thereto belonging to the benefice either together or in parcels; or

(ii) pull down such residence house, and sell the site thereof with or without the materials.

(2) Upon a sale under the powers of this Measure any restriction with respect to building on or other user of land or with respect to any other thing may be imposed and made binding, so far as the law permits, by covenant, condition or otherwise upon the purchaser and any property disposed of to him.

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(3) No power conferred by this section shall be exerciseable—

(i) so that an area of more than twelve acres (including the site of any residence house, or other buildings) shall be sold or disposed of hereunder in any one benefice;

(ii) without the consent of Queen Anne's Bounty, the Diocesan Dilapidations Board, and (in cases where the power is exercised by the incumbent of a benefice) the bishop respectively;

(iii) without the consent of the Commissioners of Crown Lands in cases where the property proposed to be disposed of is held under any grant made by or on behalf of His Majesty in right of his Crown; or

(iv) over or in respect of any property vested in trustees.

(4) Queen Anne's Bounty may make such recommendations as may be deemed fit as to the costs, charges and expenses which may be incurred in respect of any sale or proposed sale under the provisions of this section or otherwise in connection with the exercise of any power hereby conferred, and any recommendations so made shall, if the Diocesan Dilapidations Board concur in them, be binding on the person exercising such power.

(5) Subject to the provisions of this Measure an incumbent or bishop proposing to exercise any of the powers conferred by this section shall give the prescribed notice to the patron and parochial church council of the benefice affected, and Queen Anne's Bounty shall, before consenting to the exercise of such power, consider any objection raised within the prescribed time by such patron or council, and if satisfied that such objection ought not to prevent the exercise of such power shall inform the patron or council, as the case may require, of the reasons upon which such conclusion is founded.

(6) Where it shall appear desirable to a Diocesan Dilapidations Board that any of the powers conferred by this section should be exercised in any benefice, the Board shall make a report to the bishop, and if the bishop and the incumbent of the benefice, or during a

vacancy the bishop acting alone, shall request the Board so to do, the Board may frame proposals for the exercise of such power in accordance with the provisions of this Measure, and such proposals shall be communicated by the Board to the bishop and (except during a vacancy) to the incumbent.

Reference to special committee in certain cases.

2.—(1) Without prejudice to the provisions of the last preceding section of this Measure, a power conferred by this Measure shall, in any case where the patron of the benefice affected shall within twenty-one days after notice of the proposed exercise of the power has been given to him so require, be exerciseable only with the approval of a special committee constituted for such benefice in manner laid down by this section.

(2) A special committee shall consist of—

(i) the archdeacon in whose archdeaconry the benefice is situate, who shall be the chairman of the committee and shall convene the meetings thereof;

(ii) the patron of such benefice or his representative;

(iii) the incumbent of such benefice or his representative or during a vacancy a representative of the bishop;

(iv) a representative of the parochial church council of such benefice; and

(v) three representatives of the Diocesan Dilapidations Board.

(3) (i) Four members of a special committee shall constitute a quorum;

(ii) if a special committee is divided in opinion, the opinion of the majority shall prevail;

(iii) in the case of equality of votes, the chairman of a special committee, including an elected chairman in the absence of the archdeacon, shall have a second or casting vote.

(4) A special committee shall have power to approve a proposed exercise of a power conferred by this Measure either absolutely or subject to such restrictions being imposed upon the purchaser, and the property sold as the special committee may think fit.

Patron's right of pre-emption.

3.—(1) Subject to the provisions of this section the patron of every benefice shall have a right of pre-emption over any property belonging to such benefice in respect of which it is proposed to exercise any power conferred by this Measure.

(2) Such right of pre-emption—

(i) shall become exerciseable if the special committee for such benefice shall have given its approval to a proposed exercise in respect of such property of a power conferred by this Measure; and

(ii) may be exercised by a notice in writing given by the patron to the Diocesan Dilapidations Board before the expiration of a period of fourteen days after such approval has been given.

(3) A notice by a patron duly exercising over any property the right of pre-emption, given to him by this section, shall have effect as if it were a contract in writing between the incumbent of the benefice concerned (or during a vacancy the bishop) and the patron for the sale of such property to the patron under the provisions of this Measure, subject to such restrictions (if any) as the special committee for the benefice may have required to be imposed under the last preceding section, either

(i) at such a price as may be agreed upon between the patron and the special committee for the benefice; or, failing such agreement,

(ii) at such a price as shall be fixed by a valuer appointed at the request of the Diocesan Dilapidations Board by the President for the time being of the Surveyors' Institution.

(4) The following provisions shall have effect:—

(i) A valuer acting under this section shall have regard to such restrictions (if any) as the sale to the patron is to be made subject to and also to the price offered by any person other than the patron.

(ii) A valuation made under this section shall not be deemed to be a submission to arbitration under the Arbitration Act, 1889, or otherwise.

52 & 53 Vict. c. 49.

(iii) The costs of and incidental to a valuation under this section according to a scale to be approved by the Diocesan Dilapidations Board shall be borne by the patron concerned, and shall be recoverable from him as a debt by the valuer who has made the valuation.

Payment of purchase money.

4. All moneys arising from any sale under this Measure shall be paid to Queen Anne's Bounty, and the receipt of the treasurer of Queen Anne's Bounty shall be a sufficient discharge to the purchaser.

Purchase of new parsonage houses, &c.

5.—(1) Subject to the provisions of this section, Queen Anne's Bounty shall apply and dispose of any moneys arising from any sale under this Measure of any part of the property of a benefice for one or more of the following purposes (that is to say):—

(i) in payment of the costs, charges and expenses of such sale;

(ii) in or towards the erection or purchase with the approval of the bishop and the Diocesan Dilapidations Board of a house, or the purchase with the like approval of land for the site of a house, or an orchard, garden and appurtenances or other land, such house, orchard, garden and appurtenances, or any such land, being respectively suitable for the residence and occupation of the incumbent of the benefice, but so that the total area of any land purchased, including the site of any house or other buildings, shall not exceed six acres;

(iii) in or towards the improvement of any house purchased under this section;

(iv) in or towards the improvement of any house forming part of the property of the benefice, which, with the approval of the bishop, it is proposed to constitute the residence house of the benefice; and

(v) in any case where such moneys shall not have been wholly expended for one or more of the above-mentioned purposes, in erecting, rebuilding, improving or enlarging any house, cottage or farm buildings required for or belonging to the benefice.

(2) Provided that in any case where such moneys shall have arisen from the sale of property purchased originally or built or improved either wholly or in part by means of a loan under the Clergy Residences Repair Act, 1776, or the Acts amending or extending the same, or repaired either wholly or in part by means of a loan made by Queen Anne's Bounty under the Ecclesiastical Dilapidations Measure, 1923, or which is subject to any mortgage or charge in favour of Queen Anne's Bounty, arising under any other Act or Measure, and any principal money shall remain owing on account of such loan or under such mortgage or charge, Queen Anne's Bounty may apply such moneys in or towards the discharge of such principal money.

17 Geo. 3. c. 53.

(3) Any house erected, purchased or improved under this section as the residence of an incumbent of a benefice shall thenceforth be deemed and taken to be the residence house of the benefice for which the same is erected, purchased or improved for all purposes whatsoever.

(4) If and so far as any moneys arising from any sale under this Measure shall not be applied or disposed of under any of the foregoing provisions of this section, Queen Anne's Bounty shall hold the same for the benefit of the particular benefice on account of which the same shall have been received in such and the same manner and with such and the same powers of investment and other powers and authorities in all respects according to the rules and regulations of Queen Anne's Bounty for the time being as if the same had been appropriated to such benefice out of the general funds and profits of Queen Anne's Bounty or otherwise for the benefit and augmentation thereof.

Interim income.

6. In any case where any income shall be derived from any moneys arising from any sale under this Measure pending the application and disposition of such moneys under the foregoing provisions of this Measure, such income shall be added to the capital by way of accumulation unless Queen Anne's Bounty shall think fit to pay the whole or any part thereof to the incumbent of the benefice concerned or otherwise apply the same as income of the benefice on account of which the same shall have been received.

Notice of application of moneys.

7. Subject to the provisions of this Measure, Queen Anne's Bounty shall give the prescribed notice to the patron and the parochial church council of the benefice affected of any proposed application and disposition of moneys under this Measure to which the approval of the bishop is required, and shall consider any representations made by such patron or council with regard to such application and disposition.

Proposals by Diocesan Dilapidations Boards.

8. Where it shall appear to a Diocesan Dilapidations Board as a consequence of a sale under the provisions of this Measure that a residence house is required for any benefice, the Board may, if it shall deem it expedient, frame proposals for the provision of such residence house and shall submit such proposals for the consideration of Queen Anne's Bounty and the bishop.

Consent and approval.

9.—(1) Any consent or approval of a bishop under this Measure shall be signified by writing under his hand.

(2) Any consent or approval of a Diocesan Dilapidations Board under this Measure may be given by an instrument in writing signed by the secretary of such Board.

Assurances.

10.—(1) Land (including buildings) sold or purchased under this Measure shall be conveyed by or to the incumbent of the benefice affected in his corporate capacity, and so that—

(*a*) during a vacancy the bishop shall have power to convey or to take under a conveyance in the name and on behalf of the incumbent of the benefice in his corporate capacity; and

(*b*) no licence in mortmain shall in any case be required.

(2) The sealing by Queen Anne's Bounty of any conveyance executed under this Measure shall be conclusive evidence that all the requirements of this Measure with respect to the transaction carried out by such conveyance have been complied with.

(3) Every conveyance of land (including buildings) purchased under this Measure shall be registered in the prescribed manner in the registry of the diocese concerned.

(4) In any case where any land (including buildings) sold under this Measure is subject to any mortgage or charge in favour of Queen Anne's Bounty, the conveyance thereof under this Measure shall be effectual to pass the same discharged from such mortgage or charge, and such mortgage or charge shall attach to the purchase money arising on the sale.

Exercise of powers of bishop.

11.—(1) Where the bishop of a diocese is disabled from exercising in person the functions of his office, the powers and duties assigned to him by this Measure shall be exercised and discharged by the archbishop of the province in which such diocese is situate.

(2) During the vacancy of a see the powers and duties assigned to a bishop by this Measure may be exercised and discharged by the guardian of the spiritualities of the diocese.

Rules.

12.—(1) Queen Anne's Bounty shall make rules for prescribing anything which is to be prescribed hereunder, and generally for carrying this Measure into effect, and such rules shall (without prejudice to the generality of the foregoing provisions)—

(i) define for the purposes of this Measure the expression "the patron";

(ii) contain appropriate provisions as to the notice to be given in any case where a patron is subject to any incapacity or where there is any difficulty in determining who is the patron of any benefice, or where for any other reason notice cannot practicably be given to the patron personally; and

(iii) provide for any notice required by this Measure, or consideration of objections, or other proceedings consequent on such notice being, by the direction of Queen Anne's Bounty, dispensed with in cases of urgency, with the consent of the patron and the parochial church council.

(2) No rule made by Queen Anne's Bounty in pursuance of this Measure shall come into force until it has been submitted for approval to and approved by the Church Assembly.

(3) Every rule purporting to be made by Queen Anne's Bounty and approved by the Church Assembly in pursuance of this Measure shall forthwith be laid before both Houses of Parliament, and if an address is presented to His Majesty the King by either House within the next twenty days thereafter on which that House has sat praying that any such rule may be annulled, His Majesty in Council may annul the same, without prejudice to the validity of anything done in the meantime in pursuance thereof: but subject as aforesaid, every such rule shall, while unrevoked, be of the same validity as if contained in this Measure.

(4) *Prima facie* evidence of any rule made by Queen Anne's Bounty and approved by the Church Assembly under this Measure may be given by producing a copy of such rule containing a statement that the same has been approved by the Church Assembly sealed with the common seal of Queen Anne's Bounty or certified to be a true copy under the hand of the treasurer for the time being of Queen Anne's Bounty.

Benefices in Crown patronage.

13. Where any notice to a patron of a benefice is to be given or any act or thing is to be done by such patron, notice may be given or such act or thing may be done where the patronage of the benefice is in the Crown or is part of the possessions of the Duchy of Lancaster or of the Duchy of Cornwall, to or by the person or persons to whom notices in connection with such benefice may be given under section forty of the Union of Benefices Measure, 1923.

Extension of section 5 of the Parsonages Act, 1838. 1 & 2 Vict. c. 23.

14. The powers conferred upon colleges and halls within the Universities of Oxford and Cambridge and other corporate bodies by section five of the Parsonages Act, 1838, shall extend and be applicable so as to authorise loans in aid of any erection of a residence house or purchase under this Measure.

Division of parsonage houses.

15. Division of the residence house of a benefice into two or more parts shall henceforth be one of the purposes in respect of which a loan under the Clergy Residences Repair Act, 1776, or the Acts amending or extending the same, may be made, and in case of such division the bishop is hereby empowered to declare that one of the said parts shall from the date of such declaration be the residence house of the benefice.

Extension of section 15 of Clergy Residences Repair Act, 1776.

16. Section fifteen of the Clergy Residences Repair Act, 1776, shall apply to assurances and other instruments made under and for the purposes of this Measure in the same manner as it applies to instruments made under and for the purposes of that Act, or the Acts amending or extending the same.

Roman Catholic patrons.

17. All rights conferred on patrons by this Measure shall, notwithstanding the provisions of any Act, be exerciseable by persons professing the Roman Catholic faith, and such persons shall not for the purposes of this Measure be deemed to be subject by reason only of their religious profession to any incapacity.

Interpretation.

18. In this Measure the expressions " bishop " and " Diocesan Dilapidations Board " when used with reference to a benefice mean respectively the bishop of the diocese and the Diocesan Dilapidations Board for the area in which the benefice is situate.

Commencement.

19.—(1) This Measure shall come into force on the appointed day.

(2) The appointed day shall be such day subsequent to the day on which this Measure receives the Royal Assent as the Archbishops of Canterbury and York by writing under their respective hands and archiepiscopal seals shall jointly determine.

(3) The determination of the appointed day under this section shall be notified by advertisement in the London Gazette.

Extent.

20. This Measure shall extend to the whole of the Provinces of Canterbury and York (except the Channel Islands and the Isle of Man).

Short title.

21. This Measure may be cited as the Parsonages Measure, 1930.

Repeal.

22. The enactments set out in the Schedule to this Measure are hereby repealed to the extent mentioned in the third column of that Schedule.

THE SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 23.	The Parsonages Act, 1838	Section seven. Section eight. Section nine.
1 & 2 Vict. c. 29.	The Parsonages (Amendment) Act, 1838.	The whole Act.
2 & 3 Vict. c. 49.	Church Building Act, 1839	Section fourteen (so far as unrepealed).
1 & 2 Geo. 5. c. 29.	Parsonages Act, 1911 -	The whole Act.

No. 2.

A MEASURE passed by the National Assembly of the Church of England.

To provide for the disannexation from the Archdeaconry of Surrey of the Canonry in Winchester Cathedral now annexed thereto; for the suspension of the said Canonry; and for the foundation of Canonries in the Cathedral Churches of Guildford and Portsmouth and the endowment thereof out of the corporate property of the Dean and Chapter of Winchester. [20th March 1930.]

Disannexation and suspension of canonry in Winchester Cathedral.

1.—(1) The canonry in the cathedral church of Winchester which was by an Order of Her late Majesty Queen Victoria in Council made the twenty-ninth day of November, eighteen hundred and sixty-five, and published in the London Gazette of the first day of December, eighteen hundred and sixty-five, annexed to the archdeaconry of Surrey, shall be disannexed therefrom and shall thereupon be suspended.

(2) The disannexation and suspension of the said canonry shall take effect upon the passing of this Measure if the archdeaconry of Surrey be then vacant, but if the said archdeaconry be not then vacant shall take effect upon the first vacation thereafter of the said archdeaconry or at such earlier date as the archdeacon holding the said archdeaconry at the passing of this Measure shall, with the approval of the Bishop of Guildford, consent to the disannexation and suspension taking effect, such consent and approval to be certified by a writing signed by the archdeacon and the bishop, which shall be deposited in the diocesan registry of Winchester.

3 & 4 Vict. c. 113.

(3) The said canonry shall remain suspended as if it had been suspended under section ten of the Ecclesiastical Commissioners Act, 1840, and the number of canons of the cathedral church of Winchester, which by that Act was fixed at five, shall be reduced to four.

Transfer of endowments.

2. Upon the suspension of the said canonry the tithe rent-charge and capital sum described in the Schedule to this Measure, now vested in and held by Queen Anne's Bounty in trust for the dean and chapter of Winchester, or in case of the redemption before the suspension of the said canonry of the whole or any part of the said tithe rent-charge then the proceeds of redemption in place of the tithe rent-charge redeemed, shall be held by Queen Anne's Bounty upon trust for the Ecclesiastical Commissioners for the purposes hereinafter mentioned.

Trusts of transferred endowments.

3. The net income arising from the said tithe rent-charge and any proceeds of redemption or upon the extinguishment of the said tithe rent-charge from the capital held by Queen Anne's Bounty in respect thereof shall be paid by Queen Anne's Bounty to the Ecclesiastical Commissioners and shall be applied by them as to seven-tenths thereof as income of one or more canonries in the cathedral church of Guildford founded in pursuance of this Measure, and as to three-tenths thereof as income of one or more canonries in the cathedral church of Portsmouth so founded. From the date of the suspension of the said canonry in the cathedral church of Winchester until the whole of the income becomes so applicable so much thereof as is not so applicable shall be accumulated by the Commissioners, and the accumulations in respect of the seven-tenth parts and three-tenth parts respectively shall be held by the Commissioners as a capital fund for the augmentation of the incomes of the canonries in the said cathedral churches of Guildford and Portsmouth.

4.—(1) The Ecclesiastical Commissioners shall, after consultation with the Bishops of Guildford and Portsmouth respectively, frame a scheme or schemes for the foundation of the canonries referred to in the last preceding section, and the said schemes shall fix the number of the canonries to be so founded in each of the cathedral churches of Guildford and Portsmouth and determine the income to be assigned to each of them, shall assign the patronage of every canonry so founded to the bishop of the diocese in the cathedral church of which the canonry is founded, and shall define the duties which the incumbent of each canonry is to perform in the cathedral church of Guildford or Portsmouth as the case may be and in the administration of the diocese, and may provide that every such canon shall be a member of the provisional chapter of his diocese established by the Diocese of Winchester (Division) Measure, 1923.

Foundation of canonries in the cathedral churches of Guildford and Portsmouth.

(2) A scheme framed under this section shall, if approved by the bishop or bishops of the diocese or dioceses to the cathedral church or churches of which it relates, be submitted by the Ecclesiastical Commissioners to His Majesty in Council, who may by order confirm the scheme, and the scheme when so confirmed shall have full force and effect in law as if contained in this Measure.

An Order in Council made in pursuance of this Measure shall be published in the London Gazette, and shall be registered in the registry of the diocese or each of the dioceses to the cathedral church of which it relates.

5. This Measure may be cited as the Archdeaconry of Surrey Measure, 1930.

Short title.

THE SCHEDULE.

1. All those the tithe rent-charges arising in the parish of Titchfield in the county of Southampton amounting, as appears from the collecting lists of the Dean and Chapter of Winchester on the 1st day of October, 1929, to £1,498 11*s.* 8*d.* per annum (being part of the tithe rent-charges by the apportionment confirmed by the Tithe Commissioners for England and Wales on the 31st day of December, 1839, made payable to the Impropriator as varied by subsequent altered apportionments), which are now held by Queen Anne's Bounty in trust for the Dean and Chapter of Winchester, subject to all charges and obligations affecting the said tithe rent-charges and in particular, in exoneration of all other property of the Dean and Chapter of Winchester, to all and every obligation in respect of the said tithe rent-charges for chancel maintenance, and to the payment of an annual sum of £150 to the incumbent of the benefice of Titchfield aforesaid and of another annual sum of £50 to the incumbent of the benefice of Sarisbury with Swanwick in the said county of Southampton.

2. The capital sum in the hands of Queen Anne's Bounty representing all sums with the accumulations thereof under the provisions of the Tithe Act, 1925, carried to the sinking fund established under that Act in respect of the said tithe rent-charges amounting to £1,498 11*s.* 8*d.* per annum.

No. 3.

A MEASURE passed by the National Assembly of the Church of England.

To enable marriages to be solemnized in any church which is the usual place of worship of the persons to be married or of either of them. [20th March 1930.]

Banns may be published and marriages solemnized in a church which is the usual place

1.—(1) Subject to the provisions of this Measure, banns of matrimony may be published in the manner prescribed by law in any parish church or public chapel (being a public chapel in which banns of matrimony may now or hereafter be lawfully published) which is the usual place of worship of the persons to be married or of either of them although neither of such persons dwells in the parish or chapelry to which such parish church or public chapel belongs, and in any case where banns shall have been published in a parish church or public chapel under the authority of this section, the marriage may be solemnized in such parish church or public chapel:

of worship of either party.

Provided that no minister shall be obliged to publish banns of matrimony under the authority of this section unless the persons to be married shall, seven days at the least before the time required for the first publication of such banns, deliver or cause to be delivered to such minister a notice in writing, dated on the day on which the same shall be so delivered, of their true Christian names and surnames, of the house or houses of their respective abodes, and of the time during which they have dwelt, inhabited or lodged in such house or houses respectively.

(2) Publication of banns under the authority of this section shall be in addition to and not in substitution for any other publication of banns required by law, and a minister shall not solemnize any marriage under the authority of this section without a certificate or certificates of such other publication of banns from every minister who has published the same.

(3) Section two of the Marriage Act, 1823, shall have effect subject to the provisions of this Measure, and in that section the words "and in no other place whatsoever" are hereby repealed.

4 Geo. 4. c. 76.

Marriages solemnized on production of certificate of superintendent registrar.

2.—(1) Subject to the provisions of this Measure, the existing power of a superintendent registrar of issuing certificates upon the production of which marriages may be solemnized shall be extended so as to authorise a superintendent registrar to issue a certificate for the solemnization of a marriage in any parish church or public chapel (being a public chapel in which marriages may now or hereafter be lawfully solemnized) which is the usual place of worship of the persons to be married, or of either of them, wherever such parish church or public chapel may be situate.

(2) In any case where a marriage is intended to be solemnized upon the production of a certificate of a superintendent registrar issued under the authority of this section, both the notice of such marriage given to the

superintendent registrar and the certificate of the superintendent registrar shall state in addition to the description of the parish church or public chapel in which the marriage is to be solemnized that it is the usual place of worship of the parties or of one of them and, in the latter case, shall state the name of such one of them.

Marriage by licence in a church which is the usual place of worship of either party.

3. The provisions of section ten of the Marriage Act, 1823, shall not apply where a licence of marriage is granted to solemnize a marriage in a parish church or public chapel which is the usual place of worship of the persons to be married, or of either of them, and in any such case there shall be substituted for so much of the oath required by section fourteen of the Marriage Act, 1823, as relates to the usual place of abode of one of the parties to the marriage, an oath that the parish church or public chapel in which the marriage is to be solemnized is the usual place of worship within the meaning of this Measure of the said parties or of one of them as the case may be.

Usual place of worship.

4. For the purposes of this Measure no parish church or public chapel shall be deemed to be the usual place of worship of any person unless he is enrolled on the church electoral roll of the area in which such parish church or public chapel is situate, and where any person is enrolled on the church electoral roll of an area in which he does not dwell such enrolment shall be sufficient evidence that his usual place of worship is a parish church or public chapel in that area.

Rights of persons intending to marry.

5. Persons intending to be married shall have the like but no greater right of having their banns published and marriage solemnized under the authority of this Measure in a parish church or public chapel (being a public chapel in which banns of matrimony may now or hereafter be lawfully published) which is the usual place of worship of one or both of them as they have of having such banns published and marriage solemnized in the parish church or public chapel of the parish or chapelry in which they or one of them dwells.

Proof of enrolment on a church electoral roll not necessary to validity of marriages.

6. After the solemnization of any marriage under the authority of this Measure it shall not be necessary in support of such marriage to give any proof of the actual enrolment of the parties or of one of them on the church electoral roll of the area in which the parish church or public chapel where the marriage was solemnized is situate, nor shall any evidence be received to prove the contrary in any legal proceedings touching the validity of such marriage.

7. In this Measure the expression "church electoral roll" means a church electoral roll provision for which is made in the Rules for the Representation of the Laity contained in the Schedule to the Representation of the Laity Measure, 1929. Interpretation.

8. This Measure may be cited as the Marriage Measure, 1930. Short title.

9. This Measure shall apply to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man. Extent.

No. 4.

A MEASURE passed by the National Assembly of the Church of England.

To enable pensions to be granted to certain of the Church Estates Commissioners. [15th April 1930.]

1.—(1) The Ecclesiastical Commissioners shall have power to grant out of their Common Fund to any First Church Estates Commissioner or Church Estates Commissioner appointed by the Archbishop of Canterbury who has served as such Commissioner for fifteen years. or who is disabled by permanent infirmity from the duties of his office, a pension by way of annuity commencing on such Commissioner vacating office of such an amount as the Ecclesiastical Commissioners may determine. Pensions of Church Estates Commissioners.

(2) A pension granted under this section shall—

(i) be payable at the pleasure of the Ecclesiastical Commissioners, but subject to any determination by them to the contrary continue during the life of the pensioner in receipt of the same;

(ii) accrue from day to day; and

(iii) be payable, subject to any necessary apportionment, by equal quarterly instalments on the first days of February, May, August and November in each year.

2. This Measure may be cited as the Ecclesiastical Commissioners (Pensions of Church Estates Commissioners) Measure, 1930. Short title.

No. 5.

A MEASURE passed by the National Assembly of the Church of England.

To enable the Ecclesiastical Commissioners to make additional provision for the Cure of Souls in parishes in the Diocese of Sodor and Man. [15th April 1930.]

Augmentation grants extended to the diocese of Sodor and Man.

1. As from the passing of this Measure the provisions of the Ecclesiastical Commissioners Acts, 1840 to 1885, in relation to grants out of their Common Fund for making additional provision for the Cure of Souls in parishes where such assistance is most required, and of the Ecclesiastical Commissioners (Provision for Unbeneficed Clergy) Measure, 1928, shall extend to the diocese of Sodor and Man.

Short title.

2. This Measure may be cited as the Ecclesiastical Commissioners (Sodor and Man) Measure, 1930.

20 & 21 Geo. 5.

No. 6.

A MEASURE passed by the National Assembly of the Church of England.

To establish a system of Pensions for Older Incumbents, and for that purpose to amend the Incumbents Resignation Acts, 1871 and 1887, and the Clergy Pensions Measures, 1926 to 1928. [4th June 1930.]

Older incumbents' pensions.

1.—(1) In this Measure the expression " older incumbent " shall mean every incumbent of a benefice and archdeacon the fifty-fifth anniversary of whose birth occurred before the first day of January, nineteen hundred and twenty-seven.

(2) Subject to the provisions of this Measure, every older incumbent who retires from his benefice or office on or after the appointed day, shall be entitled to receive during the remainder of his life a pension (in this Measure referred to as "an older incumbent's pension") to be provided, in manner laid down by this Measure, either

(i) wholly under the Incumbents Resignation Acts, 1871 and 1887 (in this Measure referred to as "the Resignation Acts") as amended by this Measure; or

(ii) partly under the Resignation Acts as so amended, and partly by the Church of England Pensions Board (in this Measure referred to as "the pensions authority"); or

(iii) wholly by the pensions authority.

(3) The pensions authority shall at any time at the request of an older incumbent furnish him with an estimate of the amount of the older incumbent's pension to which he will become entitled upon his retirement.

Amendment of Incumbents Resignation Acts, 1871 and 1887.

2.—(1) On and after the appointed day the Resignation Acts shall continue to have effect but subject to the following modifications (that is to say):—

(i) an older incumbent who desires to retire from his benefice under the provisions of the Resignation Acts shall give notice to the bishop and, if the bishop shall consent in writing to his so doing, shall make a representation to the pensions authority in the form contained in Part I of the First Schedule to this Measure, and such representation shall be substituted for the representation to the bishop provided for by the Resignation Acts;

(ii) an older incumbent may assign as the ground of his desire to retire under the provisions of the Resignation Acts that he is incapacitated from the due performance of his duties either by permanent mental or bodily infirmity or by old age;

(iii) the pensions authority shall, except in cases where by reason of the provisions of this

Measure no commission under the Resignation Acts can be issued or is required, transmit the representation to the bishop with a view to the issue, if the bishop see fit, of a commission under the Resignation Acts;

(iv) no commission shall be issued or pension allowed under the Resignation Acts in respect or out of the revenues of any benefice, the annual value of which does not in the opinion of the pensions authority exceed three hundred pounds;

(v) subject to the provisions of this Measure, the amount of a pension allowed under the Resignation Acts shall be such a sum as—

(*a*) will not exceed the difference between the annual value of the benefice resigned and £300;

(*b*) will also not exceed one-third part of the annual value of the benefice resigned;

(*c*) will only be less than £175 in such cases and to such extent as may be necessary to give effect to sub-paragraphs (*a*) and (*b*);

(vi) the declaration of the bishop declaring a benefice void subject to the payment of a pension under the Resignation Acts shall be in the form contained in Part II of the First Schedule to this Measure, and shall be signed in quadruplicate, and one copy thereof shall be transmitted by the bishop to the pensions authority;

(vii) where upon the retirement of an older incumbent the union of the benefice from which he retires with another benefice, not being a benefice already subject to a pension under the Resignation Acts or to a charge under section twenty-seven of the Clergy Pensions Measure, 1926, will take effect pursuant to an Order in Council made before such retirement—

(*a*) the annual value of the united benefice shall for the purpose of sub-paragraph (*a*) of paragraph (v) of this subsection be substituted for the annual value of the benefice resigned;

(*b*) the amount of the pension allowed under the Resignation Acts shall be a charge on the revenues of the united benefice; and

(*c*) the declaration of the bishop declaring the benefice void shall undergo such modifications as the case may require;

(viii) any charge upon the revenues of a benefice or right to recover money as a debt from the incumbent thereof arising under a declaration of the bishop signed on or after the appointed day shall vest in the pensions authority in trust for the retired clerk concerned;

(ix) the pensions authority shall give notice to the Ecclesiastical Commissioners and to Queen Anne's Bounty of any charge upon the revenues of a benefice vested in the pensions authority under this Measure, and the Ecclesiastical Commissioners and Queen Anne's Bounty respectively shall in any case where the income of the benefice charged includes any augmentation, grant, payment in respect of tithe rentcharge or other moneys payable by the said Commissioners or Queen Anne's Bounty apply the same, if and so far as the pensions authority shall so require, in or towards satisfaction of such charge; and

(x) in any case where the annual value of the benefice resigned is less than £525, the expenses incurred by or with the sanction or by the direction of the pensions authority of carrying the provisions of the Resignation Acts into execution shall be defrayed by the pensions authority.

(2) The Resignation Acts shall also be amended and repealed for all purposes in manner and to the extent set out in the Third Schedule to this Measure.

Pensions paid partly or wholly by pensions authority.

3.—(1) Subject to the provisions of this Measure, the pensions authority shall, in any case where a pension has been allowed under the Resignation Acts as amended by this Measure of less than £175, pay to the retired older incumbent in receipt of such pension such an annual sum as will make up such pension to—

(i) £175, where the annual value of the benefice resigned by him is £400 or more;

(ii) £150, where such annual value is £310 or less;

(iii) £150, with a further addition of £5 for every complete £20 by which such annual value exceeds £310, where such annual value exceeds £310 but is less than £400;

and such pension and such annual sum shall together constitute an older incumbent's pension for the purposes of this Measure.

(2) The pensions authority shall also, but subject to the provisions of this Measure, pay an older incumbent's pension of £150 to every retired older incumbent who retires from a benefice on or after the appointed day under such circumstances that, in the opinion of the pensions authority, he would upon retirement have entered upon the receipt of an older incumbent's pension provided wholly or partly under the Resignation Acts as amended by this Measure, but for any one or more of the following facts (that is to say):—

(i) the fact that he had not held his benefice for seven years continuously before retirement;

(ii) the fact that the annual value of such benefice did not, in the opinion of the pensions authority, exceed £300;

(iii) the fact that such benefice was already subject to a pension under the Resignation Acts or to a charge under section twenty-seven of the Clergy Pensions Measure, 1926; or

(iv) the fact that such benefice was in the Isle of Man:

Provided that—

(*a*) in order to qualify for an older incumbent's pension of £150 payable under this subsection an older incumbent must either have served as a clerk in Holy Orders for at least twenty years, or have held his benefice for seven years continuously before retirement;

(*b*) in computing service for the purposes of this subsection any period of ecclesiastical service under any civil or other authority upon the termination of which the older incumbent concerned entered upon the receipt of a pension granted in respect of such service shall be excluded; and (*c*) paragraphs (i) and (ii) of subsection (1) of section two of this Measure shall apply with the necessary modifications to an older incumbent who desires to retire from his benefice under the provisions of this subsection.

(3) The pensions authority shall also, but subject to the provisions of this Measure, pay an older incumbent's pension of £150 to every retired older incumbent who—

(i) being an archdeacon is not the holder of the benefice or of a canonry within the meaning of the Deans and Canons Resignation Act, 1872; 35 & 36 Vict. c. 8.

(ii) represents to the bishop that he desires to retire on the ground that he is incapacitated by permanent mental or bodily infirmity or by old age, from the due performance of his duties;

(iii) receives the consent in writing of the bishop to his retirement; and

(iv) retires on or after the appointed day.

Cases of retirement between 31st December, 1928, and the appointed day.

4.—(1) In any case where an older incumbent—

(i) retired from a benefice after the thirty-first day of December, nineteen hundred and twenty-eight, but before the appointed day;

(ii) would, in the opinion of the pensions authority, have been entitled, if he had retired on or after the appointed day, to an older incumbent's pension; and

(iii) before the expiration of a period of two years commencing on the appointed day makes an application to the pensions authority in such form as the pensions authority may require;

the pensions authority shall, subject to the provisions of this Measure, pay to him as from the date on which he vacated his benefice and during the remainder of his life—

(*a*) if he is in receipt of a pension under the Resignation Acts of less than £175 or of a non-contributing pensioner's pension under the Clergy Pensions Measures, 1926 to 1928, such annual sum as will make up such pension or the aggregate of such pensions to the amount of the older incumbent's pension which he would have received if he had retired on or after the appointed day; or

(*b*) if he is not in receipt of any pension under the said Acts or Measures, the annual sum of £150:

Provided that in any case where the pensions authority is of opinion that a pension under the Resignation Acts would have been granted to such older incumbent if he had applied for the same, the pensions authority shall have power to reduce the said annual sum of £150 by such amount as the pensions authority shall think just.

(2) The provisions of this Measure relating to older incumbents' pensions shall so far as the same are applicable apply to every annual sum paid by the pensions authority under this section.

(3) For the purposes of this section—

(i) a clerk who retires from his benefice under the Resignation Acts shall be deemed to have retired on the day upon which the declaration of the bishop declaring such benefice void is signed;

(ii) a clerk who retires from his benefice otherwise than under the Resignation Acts shall be deemed to have retired on the date on which he vacated his benefice.

(4) In any case where—

(i) an older incumbent retired from a benefice after the thirty-first day of December, nineteen hundred and twenty-eight, but before the appointed day;

(ii) such older incumbent upon his retirement entered upon the receipt of a pension under the Resignation Acts which is more than the excess of the annual value of the benefice resigned over £300; and

(iii) the bishop of the diocese concerned applies to the pensions authority for a grant under this subsection;

the pensions authority shall so long as such pension continues pay to the incumbent for the time being of the benefice resigned such an annual sum in augmentation of the income thereof as will make up such income after deducting the pension charged thereon to £300.

Power to reduce charges on benefices.

5. In any case where the pensions authority, after consulting with the Ecclesiastical Commissioners, is of opinion that the charge imposed upon any benefice (including a united benefice) by this Measure ought having regard to the circumstances of such benefice to be reduced, the pensions authority shall have power, with the consent of the Ecclesiastical Commissioners, to reduce such charge by such amount as it may deem expedient, and to make good the amount of the reduction by making the necessary annual payments to the retired older incumbent concerned.

Increased pensions.

6. In any case where—

(i) an older incumbent's pension would be less than the aggregate of the pensions which, if this Measure had not been passed, might have been allowed to the older incumbent concerned under the Resignation Acts and the provisions of the Clergy Pensions Measures, 1926 to 1928, relating to non-contributing pensioners; and

(ii) such older incumbent at any time either before he has vacated his benefice or before the expiration of one month after he has vacated his benefice applies to the pensions authority for an increased pension;

the pensions authority shall have power to increase such older incumbent's pension by such annual amount as the pensions authority, with the concurrence of the Ecclesiastical Commissioners, may in the circumstances of the case think fit.

Reduced pensions.

7.—(1) An older incumbent or a retired clerk in receipt of an older incumbent's pension may by notice in writing given to the pensions authority renounce any right or claim to receive such portion of any older incumbent's pension to which he might otherwise be entitled as shall be stated in such notice.

(2) In any case where an older incumbent's pension is reduced by a notice under this section, and such older

incumbent's pension is provided partly under the Resignation Acts as amended by this Measure and partly by the pensions authority, the reduction shall operate primarily as a reduction of the charge on the benefice concerned, and the annual sum to be paid by the pensions authority shall be adjusted in such manner as will give effect to this subsection.

(3) A notice given under this section shall—

(i) be irrevocable to such extent, if any, as it operates as a reduction of the charge on the benefice concerned; and

(ii) subject as aforesaid, be revocable only and to such extent as the pensions authority may permit.

Powers of pensions authority in certain cases.

8.—(1) In any case where an older incumbent is desirous of retiring from his benefice under the provisions of the Resignation Acts as amended by this Measure, and in the opinion of the pensions authority the older incumbent's pension of such incumbent would be provided partly under the Resignation Acts as so amended and partly by the pensions authority, the following provisions shall have effect (that is to say) :—

(i) The pensions authority shall have power to certify in writing whether such incumbent is or is not incapacitated by permanent mental or bodily infirmity, or by old age, from the due performance of his duties;

(ii) In any case where the pensions authority shall have certified that an incumbent is not so incapacitated, such incumbent may within fourteen days after the certificate has been communicated to him require that the matter be referred to a board of medical referees appointed in manner laid down by this section, and such board shall have power either to confirm the certificate of the pensions authority or to set it aside and to certify that the incumbent is incapacitated;

(iii) A certificate of the pensions authority given under this section and not set aside by a medical board, and a certificate of a medical board given under this section, shall respectively be final and conclusive for all the purposes of the Resignation

Acts as amended by this Measure and binding upon commissioners appointed under the said Acts;

(iv) If the pensions authority or a medical board shall have certified an incumbent to be incapacitated, the pensions authority shall also have power, if in the opinion of the pensions authority the circumstances of the case are such as to entitle such incumbent to an older incumbent's pension, with the consent of the bishop and the patron, to certify to the bishop all such matters and things as would be certified in a return to a commission issued under the Resignation Acts as amended by this Measure, and any such certificate shall for the purposes of those Acts as so amended be treated as if it were a return to a commission issued thereunder, and no commission shall be required.

(2) A board of medical referees appointed for the purposes of this section shall consist of a referee appointed by the bishop and a referee appointed by the pensions authority, together with a third referee selected by the above-mentioned referees before they begin to act in any matter.

(3) Such third referee shall not take any part in the proceedings of the board unless there shall be a difference between the two other referees, in which case his decision shall be final and conclusive.

(4) The Arbitration Act, 1889, shall not apply to a reference to a board of medical referees under this section. 52 & 53 Vict. c. 49.

Pending commissions.

9. If on the appointed day a commission has been issued under the Resignation Acts in respect of a benefice, but no declaration declaring such benefice void has been signed by the bishop—

(i) no further proceedings shall be taken in pursuance of the commission if the annual value of the benefice does not, in the opinion of the pensions authority, exceed £300; and

(ii) in every other case the proceedings consequential upon the issue of the commission, so far as the same are incomplete, shall be such as will give effect to the provisions of this Measure.

Conditions for receipt of and payment and application of pensions.

10.—(1) The provisions of the Clergy Pensions Measure, 1926, as amended by the Clergy Pensions (Amendment) Measure, 1928, set out and adapted in the Second Schedule to this Measure, shall apply as if incorporated in this Measure.

(2) The pensions authority shall have power by order under its common seal to direct the suspension for any period of an older incumbent's pension and of any charge upon the revenues of a benefice by means whereof such pension is wholly or partly provided in any case where the conditions mentioned in the Second Schedule to this Measure are not for the time being fulfilled.

Non-contributing pensioners under Clergy Pensions Measures, 1926 and 1928.

11.—(1) After the passing of this Measure the provisions of the Clergy Pensions Measures, 1926 to 1928, relating to non-contributing pensioners shall apply only to unbeneficed clerks.

(2) Subsection (5) of section six of the Clergy Pensions Measure, 1926, is hereby repealed.

Pluralities.

12. The amount of the older incumbent's pension of an incumbent who holds benefices in plurality shall be ascertained by—

(i) treating such benefices as separate benefices for the purpose of ascertaining whether the same are respectively chargeable under the Resignation Acts as amended by the Measure;

(ii) treating any benefices which having regard to the last paragraph are chargeable as aforesaid as one benefice for the purpose of ascertaining—

(*a*) the total amount to be charged on such benefices (which total amount shall be charged rateably thereon); and

(*b*) the portion (if any) of the older incumbent's pension concerned to be provided by the pensions authority.

Financial provisions.

13.—(1) All moneys payable by the pensions authority under this Measure shall be paid out of—

(i) so much of the annual sums paid and payable to the pensions authority under section nineteen of the Clergy Pensions Measure, 1926, as the Ecclesiastical Commissioners and the pensions authority shall agree to be available for the purpose (in this section referred to as "the fund already available"); and

(ii) such further sums as may be paid to the pensions authority under the next succeeding subsection of this section.

(2) The Ecclesiastical Commissioners shall out of their common fund pay to the pensions authority such further annual or other periodical sums as the Ecclesiastical Commissioners and the pensions authority may agree to be sufficient, when added to the fund already available, to provide for all payments to be made by the pensions authority under this Measure.

(3) The Ecclesiastical Commissioners and the pensions authority shall respectively have power to make, and from time to time by mutual consent to revise or vary, any agreement required for carrying this section into effect.

(4) For the purposes of this section the expenses of the pensions authority incurred in administering older incumbents' pensions shall be deemed to be payments made under this Measure.

(5) Nothing in this section shall apply to any moneys payable by the pensions authority as trustee of any charge upon the revenues of a benefice.

Interpretation.

14. In this Measure—

the expression "benefice" has the same meaning as in the Resignation Acts;

the expression "annual value," when used with reference to a benefice, means the annual value of such benefice for the purposes of the Resignation Acts as set out in the Fourth Schedule to this Measure.

Commencement.

15.—(1) This Measure shall come into force on the appointed day.

(2) The appointed day shall be such day subsequent to the day on which this Measure receives the Royal Assent as the Archbishops of Canterbury and York, by writing under their respective hands and archiepiscopal seals, shall jointly determine.

(3) The determination of the appointed day under this section shall be notified in the "London Gazette."

Short title.

16. This Measure may be cited as the Clergy Pensions (Older Incumbents) Measure, 1930.

Extent.

17.—(1) Subject to the provisions of this section, this Measure shall extend to the whole of the Provinces of Canterbury and York including the Isle of Man but not including the Channel Islands.

(2) The provisions of this Measure relating exclusively to older incumbents' pensions provided wholly or partly under the Resignation Acts as amended by this Measure shall not apply to the Isle of Man.

SCHEDULES.

Section 2.

THE FIRST SCHEDULE.

Part I.

To the Church of England Pensions Board.

I, being now and having been for the last years continuously incumbent of in the diocese of (*and having served as a clerk in Holy Orders for not less than 20 years), hereby represent that I, finding myself incapacitated by
permanent bodily infirmity
permanent mental infirmity
old age
from the due performance of my duties, am desirous of resigning the said benefice on being allowed to receive an older incumbent's pension out of the revenues of the said benefice or otherwise.

And I declare that I make this application with the consent in writing of the bishop of the diocese of

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(* If the applicant has been continuously for seven years or more incumbent of the benefice which he holds at the date of application these words should be struck out.)

and that the information given herein is, to the best of my knowledge and belief, correct.

Dated this day of 19 .

Signature of applicant .

Address .

1. Date of birth .

2. Date of ordination .

(*3. Particulars of service, giving dates)

4. Nature of disability .

(A medical certificate on the form supplied should accompany the application.)

PART II.

WHEREAS on the day of , in the year of our Lord, 19 , a commission was issued by us, the Bishop of , under the provisions of the Incumbents Resignation Acts, 1871 and 1887, as amended by the Clergy Pensions (Older Incumbents) Measure, 1930, on the representation of the Rev. , incumbent of , within the diocese aforesaid, and in their return thereto the Commissioners stated that in their opinion the resignation of the said Rev. was expedient,

[*Or* WHEREAS on the day of , in the year of our Lord, 19—, the Church of England Pensions Board certified to us, the Bishop of , under the provisions of the Clergy Pensions (Older Incumbents) Measure, 1930, that the resignation under the provisions of the Incumbents Resignation Acts, 1871 and 1887, as amended by the said Measure of the Rev. incumbent of within the diocese aforesaid was expedient,]

and that pursuant to the provisions of the said Measure the sum of pounds per annum out of the revenues of the said benefice should be allowed to the said Rev. on his retirement therefrom, such sum being the whole [*or* part] of the older incumbent's pension of the said Rev. provided for by the said Measure.

(* If the applicant has been continuously for seven years or more incumbent of the benefice which he holds at the date of application these words should be struck out.)

And whereas the patron has consented or not refused his consent to such resignation [*or* the Archbishop has determined that such resignation shall be accepted];

We, , by Divine permission Bishop of , do declare the said benefice void of the person of the said Rev. to all intents and purposes of the law, on and after the day of subject nevertheless to the payment out of the revenues thereof to the Church of England Pensions Board in trust for the said Rev. of the yearly sum of pounds, such sum to be payable (subject to any necessary apportionment) by equal quarterly instalments on the 31st March, 30th June, 30th September and 31st December in each year (the first of such instalments to be paid on the 19—), and (subject to the provisions of the said Acts and Measure) to continue payable during the life of the said Rev.

As witness our hand this day of in the year of our Lord, 19—.

Witness to the signature of the Bishop:

Section 10.

THE SECOND SCHEDULE.

Adaptation of section 5 (as amended by section 4 of the Clergy Pensions (Amendment) Measure, 1928), section 6 (1) (2) and (3) and section 26 of the Clergy Pensions Measure, 1926.

Conditions for the receipt of pensions.

5. Every recipient of an older incumbent's pension (in this Schedule referred to as a pensioner) must satisfy the following conditions (that is to say):—

(i) He must continue in retirement:

Provided that no clerk—

(*a*) shall be deemed to have retired or to be in retirement if and so long as he holds any ecclesiastical office or preferment or curacy, provided that the holding of an honorary canonry or a non-residentiary prebend or a cathedral dignity or office with a stipend not exceeding twenty pounds a year or a curacy with a stipend not exceeding a like amount shall not be deemed the holding of an ecclesiastical office or preferment or curacy;

(*b*) shall be deemed to have retired or to be in retirement if and so long as he undertakes ecclesiastical duty for remuneration otherwise than with the sanction given expressly for the purposes of this provision of the bishop of the diocese in which the duty is undertaken;

(iii) He must not have resigned his pension;

(iv) He must not have executed any deed of relinquishment under the Clerical Disabilities Act, 1870; 33 & 34 Vict. c. 91.

(v) He must continue to be a member of the Church of England, and must not belong to any religious body which is not in communion with the Church of England;

(vi) He must furnish to the pensions authority such evidence as such authority may from time to time require of his right to receive his pension;

. . . . . .

(viii) He must not under ecclesiastical law or the provisions of any statute or Measure for the time being in force be incapable of holding preferment in the Church;

(ix) He must not have incurred a forfeiture or a suspension of his pension.

Payment and application of pensions.

6.—(1) Every older incumbent's pension shall be by way of annuity accruing from day to day and payable (subject to any necessary apportionment) by equal quarterly instalments on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year.

(2) An older incumbent's pension shall be incapable of being assigned, charged, or anticipated, and every purported assignment of or charge upon the same shall be void, and the same shall not pass to any trustee in bankruptcy of the pensioner.

(3) An older incumbent's pension may in any case where a pensioner becomes of unsound mind, whether so found by inquisition or not, or is disabled by mental or physical incapacity from managing his own affairs, at the discretion of the pensions authority, be paid or applied by or under the direction of such authority to or for the maintenance, benefit or support of any one or more of the following persons (that is to say) :—the pensioner, his wife, his children or remoter issue, their husbands and wives, and any other persons who, in the opinion of the pensions authority, are normally dependent on the pensioner.

Ecclesiastical discipline.

26. Every pensioner shall remain subject to ecclesiastical discipline and to the provisions of any statute or measure for the time being in force relating to the discipline of the clergy, and in applying any such statute or measure to a pensioner the following provisions shall have effect (that is to say) :—

(i) in any case where a bishop has power to declare a preferment held in his diocese to be vacant on the ground of the criminal conviction of the holder of such preferment or on any other ground, he shall have power on the same grounds to declare the older incumbent's pension of a pensioner to be forfeited;

(ii) in any case where a court has jurisdiction to pronounce on any ground a sentence of deprivation of or suspension from preferment, such court shall have jurisdiction to pronounce upon the same ground a sentence of forfeiture or suspension of an older incumbent's pension; and

(iii) a pensioner shall be deemed to hold preferment in any place where he temporarily or permanently resides.

Section 2.

THE THIRD SCHEDULE.

Provisions of the Incumbents Resignation Act, 1871, amended or repealed.	Amendment or Repeal.
Section 7 - -	After the word " churchwardens " in all places where it occurs there shall be inserted the words " and the Parochial Church Council." After the words " sending of such notices " there shall be inserted the words " or until " all the Commissioners shall have been " nominated, whichever shall first happen."
Section 8 - -	The words added at the end of the section by the Incumbents Resignation Act, 1871, Amendment Act, 1887, shall be repealed.
Section 9 - -	There shall be substituted for the words " and " the times of payment not being oftener " than twice a year " the words " which " pension shall accrue from day to day " and be payable (subject to any necessary " apportionment) by equal quarterly instalments, on the thirty-first day of March, " the thirtieth day of June, the thirtieth " day of September, and the thirty-first " day of December in each year."
Sections 13 and 15	These sections shall be repealed.
Section 18 - -	After the word " inquisition " there shall be inserted the words " or a person affected " by the provisions of section 116 of the " Lunacy Act, 1890, and for whose benefit " a receiver has been appointed." At the end of the section there shall be inserted the words " or such receiver."

THE FOURTH SCHEDULE.

Section 14.

INCUMBENTS RESIGNATION ACT, 1871, AMENDMENT ACT, 1887.

SECTION 5.

. . . .

The annual value of a benefice for the purposes of this Act shall be the net annual value exclusive of the parsonage, vicarage, or other place of residence of the incumbent, after deducting all rates, taxes and charges assessed upon and payable out of the benefice, which charges shall include the salary of any curate who is compulsorily employed, and any annual payments in respect of any terminable mortgage having at the time of the sitting of the said Commission more than two years to run.

No. 7.

A MEASURE passed by the National Assembly of the Church of England.

To amend the law relating to the holding of benefices in plurality, and for that purpose to extend the powers exerciseable under the Union of Benefices Measure, 1923.

[1st August 1930.]

Conditions applicable to the holding of benefices in plurality.
1 & 2 Vict. c. 106.
48 & 49 Vict. c. 54.

1. Section four of the Pluralities Act, 1838 (so far as unrepealed) and section fourteen of the Pluralities Acts Amendment Act, 1885, shall respectively cease to have effect, and, for the purposes of the Pluralities Act, 1838, the conditions as to distance and annual value which must be satisfied in order that two benefices may be held in plurality pursuant to such licence or dispensation as is in the Pluralities Act, 1838, mentioned shall be the following conditions (namely):—

(i) that the distance between the two benefices computed in manner laid down by the Pluralities Act, 1838, does not exceed four miles; and

(ii) that the annual value of one of the benefices computed in manner laid down by the Pluralities Act, 1850, does not exceed four hundred pounds.

13 & 14 Vict. c. 98.

Extension of Union of Benefices Measure so as to authorise in certain cases the holding of benefices in plurality unconditionally.

2.—(1) The powers exerciseable under the Union of Benefices Measure, 1923, shall be extended so as to include power to recommend that any two or more benefices may be held in plurality.

(2) The bishop on receiving a report from commissioners under the Union of Benefices Measure, 1923, recommending that any benefices may be held in plurality may, if the Ecclesiastical Commissioners, the bishop of any other diocese that may be affected and the patron or patrons concerned shall respectively approve of the report, transmit a copy thereof to the Archbishop of Canterbury, who shall have power after consideration of the report to grant upon the application of the clerk in Holy Orders concerned under the seal of his office of faculties a licence or dispensation giving effect so far as he shall think fit to the recommendations of the report as to the holding of benefices in plurality.

(3) The conditions laid down by the Pluralities Act, 1838, that not more than two benefices may be held in plurality and that not more than two benefices shall be served by the same person in one day and the conditions laid down in the first section of this Measure shall respectively not apply in any case where a licence or dispensation is granted pursuant to this section, but, subject as aforesaid, the existing provisions of the Pluralities Act, 1838, relating to licences or dispensations shall so far as applicable extend to any such licence or dispensation.

(4) The provisions of the Union of Benefices Measure, 1923, relating to schemes giving effect to reports under that Measure shall not apply to so much of any report as recommends that any benefices may be held in plurality.

Short title.

3. This Measure may be cited as the Pluralities Measure, 1930.

No. 8.

A MEASURE passed by the National Assembly of the Church of England.

To regulate the transfer of the Rights of Patronage of Benefices. [1st August 1930.]

Duties of patron upon a transfer of patronage.

1. Subject to the provisions of this Measure, every intending transferor of a right of patronage of a benefice shall, before transferring or agreeing to transfer such right to any person—

(i) notify to the bishop—

(*a*) his intention or desire to transfer such right;

(*b*) the name and address of the proposed transferee; and

(*c*) particulars of the terms of the proposed transfer; and

(ii) if the bishop shall, within twenty-one days after such notification, so require in writing, confer either personally or through a representative with the bishop or some person appointed by the bishop as to the proposed transfer.

Notice of proposed transfers of patronage.

2. Except in the case where a proposed transfer of a right of patronage is not proceeded with, a bishop to whom a proposed transfer has been notified under the last preceding section shall—

(i) within one month after receipt of the notification give notice of the proposed transfer to the churchwardens and the Secretary of the Parochial Church Council of the parish concerned by registered letters addressed respectively to the churchwardens and to the said Secretary;

(ii) in such notice insert particulars of the proposed transfer;

(iii) in such notice invite the Parochial Church Council to state to him within a period of fourteen days after the date of the sending of the notice any objections to the proposed transfer; and

(iv) if any such objections shall be stated to him, communicate the same to the intending transferor.

Registration of transfers. 61 & 62 Vict. c. 48.

3. No transfer of a right of patronage shall be registered under the Benefices Act, 1898, except where the following conditions are fulfilled (that is to say):—

(i) a period of one month has elapsed after the date of the sending of the notice of the proposed transfer to the churchwardens of the parish concerned; and

(ii) the transferor has complied with the obligations imposed on him by this Measure.

Transfer of patronage by diocesan bishops.

4. A diocesan bishop who intends to transfer a right of patronage of a benefice situate in his diocese shall, before transferring or agreeing to transfer such right to any person—

(i) send to the churchwardens and to the Secretary of the Parochial Church Council of the parish concerned respectively a notice stating—

(*a*) his intention or desire to transfer such right;

(*b*) the name and address of the proposed transferee; and

(*c*) particulars of the terms of the proposed transfer.

(ii) if the Parochial Church Council shall, within twenty-one days after the date of the sending of the notice, duly pass and communicate to him a resolution that a conference shall take place, confer either personally or through a representative with the Parochial Church Council or the representatives of such Council as to the proposed transfer.

Publication of notices.

5.—(1) The churchwardens of any parish shall immediately on receipt of a notice sent to them under this Measure cause the same to be fixed on the principal door or notice board of the church or chapel of the benefice, and shall take such other steps as they shall think expedient for giving publicity to the notice.

(2) Where there is more than one church or chapel belonging or annexed to a benefice, the notice shall be fixed on the principal door or notice board of such one of the churches or chapels as the bishop determines.

Certification by bishop.

6. A statement in writing signed by the bishop to the effect that the provisions of this Measure in relation to the transfer or proposed transfer of a right of patronage of a benefice in his diocese have been complied with shall be sufficient evidence of such compliance.

Interpretation.

7. In this Measure—

The expression "transfer" shall be construed in accordance with the provisions of subsection (6) of section one of the Benefices Act, 1898, which subsection is set out in the Schedule to this Measure;

The expression "the bishop" shall mean the bishop for the time being of the diocese in which the benefice concerned is situate.

Extent.

8. This Measure shall apply to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man.

Short title.

9. This Measure may be cited as the Benefices (Transfer of Rights of Patronage) Measure, 1930.

SCHEDULE.

THE BENEFICES ACT, 1898, SECTION 1 (6).

The expression "transfer" in this section shall include any conveyance or assurance passing or creating any legal or equitable interest *inter vivos*, and any agreement for any such conveyance or assurance, but shall not include—

(*a*) a transmission on marriage, death, or bankruptcy, or otherwise by operation of law, nor

(*b*) a transfer on the appointment of a new trustee where no beneficial interest passes.

TABLE III.

Showing the EFFECT of the LEGISLATION of the FIRST SESSION of the THIRTY-FIFTH PARLIAMENT of the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

(JUNE 25, 1929—AUGUST 1, 1930)

FORMER ACTS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ENACTMENTS OF 20 & 21 GEO. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
23 Hen. 8: c. 5 -	Statute of Sewers	Repealed, with saving for existing commissions.	44, s. 83, sch. 7.
25 Hen. 8: c. 10 -	An Acte concernyng the acceptaunce of the othe to the Acte of Sewers.	Repealed - - - -	44, s. 83, sch. 7
3 & 4 Ed. 6: c. 8 -	An Acte for the contynuance of the Statute of Sewers.	Repealed - - - -	44, s. 83, sch. 7.
1 Mar. St. 3: c. 11 -	An Acte touching the Sea Sandes in Glamorganshire.	Repealed - - - -	44, s. 83, sch. 7.
13 Eliz.: c. 9 -	An Acte for the Commission of Sewers.	Repealed - - - -	44, s. 83, sch. 7.
3 Jac. I: c. 14. -	An Acte for the explanation of the Statute of Sewers.	Repealed - - - -	44, s. 83, sch. 7.
7 Ann: c. 33 -	Commissions of Sewers Act, 1708.	Repealed - - - -	44, s. 83, sch. 7.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
5 Geo. 1: c. 8 -	Poor Relief (Deserted Wives and Children) Act, 1718.	In part saved - -	17, s. 165 (4) (*a*).
25 Geo. 2: c. 36 -	Disorderly Houses Act, 1751.	Ss. 2, 4 excluded (public boxing in London).	clix, ss. 19, 21, 23
26 Geo. 2: c. 22 -	Act for purchase of Museum or Collection of Sir Hans Sloane . . . [British Museum]	S. 16 in part repealed (prosp.).	46.
11 Geo. 3: c. 53 -	Highways (Scotland) Act, 1771.	Repealed (prosp.) - -	43, ss. 60 (*f*), 123 (2).
17 Geo. 3 c. 53 -	Clergy Residences Repair Act, 1776.	Purposes of borrowing (*see* s. 1) and s. 15 extended (prosp.) by Parsonages Measure, 1930 (20 & 21 Geo. 5. No. 1), ss. 15–6, 19, 20: and *see* s. 5 (2).	
52 Geo. 3: c. 49 -	Act for purchase of premises of old Custom House.	Ss. 2–5 repealed - -	clix, s. 56.
4 Geo. 4: c. 76 -	Marriage Act, 1823	Ss. 2, 14 amended, 10 excluded by Marriage Measure, 1930 (20 & 21 Geo. 5. No. 3), ss. 1 (3), 3, 9.	
5 Geo. 4: c. 83 -	Vagrancy Act, 1824	Applied to certain offenders under Poor Law Act.	17, ss. 20 (3), 150, 151 (1) (2), 152.
1 & 2 Will. 4: c. 43 -	An Act for amending and making more effectual the laws concerning Turnpike Roads in Scotland.	S. 107, as incorporated with and extended and applied by Roads and Bridges (S.) Act, 1878 (41 & 42 Vict. c. 51—*see ibid.*, s. 123), excluded (prosp.).	43, ss. 52, 60 (*d*), 123 (2).
2 & 3 Will. 4: c. 66 -	Act for conveyance of old Custom House.	Ss. 2–4 repealed - -	clix, s. 56.
c. 120 -	Stage Carriage Act, 1832.	Repealed as to public service vehicles (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
3 & 4 Will. 4: c. 22 -	Sewers Act, 1833 -	Repealed - - - -	44, s. 83, sch. 7.
c. 48 -	London Hackney Carriages Act, 1833.	Repealed as to public service vehicles (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.
5 & 6 Will. 4: c. 50 -	Highways Act, 1835	Ss. 76 as to motor vehicles and trailers repealed, 70 in part excluded (prosp.).	43, ss. 1, 52, 122, 123 (2), sch. 5.
1 & 2 Vict.: c. 23 -	Parsonages Act, 1838.	Ss. 7–9 repealed, 5 extended (prosp.) by Parsonages Measure, 1930 (20 & 21 Geo. 5. No. 1), ss. 14, 19, 20, 22, sch.	
c. 29 -	Parsonages (Amendment) Act, 1838.	Repealed (prosp.) by Parsonages Measure, 1930 (20 & 21 Geo. 5. No. 1), ss. 19, 20, 22, sch.	
c. 74 -	Small Tenements Recovery Act, 1838.	Extended - - - -	39, ss. 39 (1), 59 (2).
c. 106 -	Pluralities Act, 1838.	Excluded and applied, s. 4 (so far as unrepealed) repealed by Pluralities Measure, 1930 (20 & 21 Geo. 5, No. 7), ss. 1, 2 (3).	
2 & 3 Vict.: c. 49 -	Church Building Act, 1839.	S. 14 repealed so far as unrepealed (prosp.) by Parsonages Measure, 1930 (20 & 21 Geo. 5, No. 1), ss. 19, 20, 22, sch.	
c. 50 -	Pensions Act, 1839	Saved - - - -	23, s. 18 (1) (*c*).
3 & 4 Vict.: c. 113 -	Ecclesiastical Commissioners Act, 1840.	Ss. 10 and (as to Winchester) Schedule amended by Archdeaconry of Surrey Measure, 1930 (20 & 21 Geo. 5, No. 2), s. 1 (3). S. 67 (grant from Common Fund) extended by Ecclesiastical Commissioners (Pensions of Church Estates Commissioners) Measure, 1930, and Ecclesiastical Commissioners (Sodor and Man) Measure, 1930 (20 & 21 Geo. 5, Nos. 4 and 5).	
4 & 5 Vict.: c. 45 -	Sewers Act, 1841 -	Repealed - - - -	44, s. 83, sch. 7.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
5 & 6 Vict.:			
c. 79	Railway Passenger Duty Act, 1842.	Ss. 13–5 as to public service vehicles repealed (prosp.).	43, ss. 121 (1), 122, 123 (2) (3), sch. 5.
6 & 7 Vict.:			
c. 73	Solicitors Act, 1843	Excluded	17, s. 155.
c. 86	London Hackney Carriage Act, 1843.	Repealed as to public service vehicles (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.
8 & 9 Vict.:			
c. 18	Lands Clauses Consolidation Act, 1845.	S. 133 in part excluded Compulsory purchase (temp.) under Public Works Facilities Act—*see*	24, s. 20. 50, ss. 2, 8 (4), sch. 1, pt. II.
c. 19	Lands Clauses solidation (Scotland) Act, 1845.	S. 127 in part excluded Compulsory purchase (temp.) under Public Works Facilities Act—*see*	24, s. 22 (7). 50, ss. 2, 7, 8 (4), sch. 1, pt. II.
10&11 Vict.:			
c. 16	Commissioners Clauses Act, 1847.	Provisions as to mortgages (*see* ss. 75–88) incorporated.	44, s. 46 (4).
c. 38	Land Drainage Act, 1847.	Repealed	44, s. 83, sch. 7.
c. 89	Town Police Clauses Act, 1847.	Provisions as to hackney carriages (*see* ss. 37–68) repealed so far as relating to public service vehicles (E.) (prosp.).	43, ss. 121 (1), 122, 123 (2) (3), sch. 5.
c. 113	Land Drainage (Scotland) Act, 1847.	Repealed	20, s. 10.
11&12 Vict.:			
c. 43	Summary Jurisdiction Act, 1848.	Conviction under s. 5 (motor vehicles)—*see*	43, s. 10 (5).
c. 78	Crown Cases Act, 1848.	Repealed as to Northern Ireland.	45, ss. 18, 21 (4), sch.
12&13 Vict.:			
c. 45	Quarter Sessions Act, 1849.	Ss. 12–4 excluded	44, s. 30 (4).
c. 50	Sewers Act, 1849	Repealed	44, s. 83, sch. 7.
13&14 Vict.:			
c. 7	London Hackney Carriage Act, 1850.	Repealed as to public service vehicles (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.
16&17 Vict.:			
c. 33	London Hackney Carriage Act, 1853.	Repealed as to public service vehicles (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5
c. 51	Succession Duty Act, 1853,	As to Scotland s. 47 applied	28, s. 36 (4).
c. 127	London Hackney Carriage (No. 2) Act, 1853.	Repealed as to public service vehicles (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
17&18 Vict.:			
c. 80	Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	Adopted children register, index, search, &c.—*see*	37, s. 11, sch.
c. 91	Lands Valuation (Scotland) Act, 1854.	Ss. 24–5 amended (appeal, &c. to Lands Valuation Appeal Court).	24, s. 22 (4) (9).
19&20 Vict.:			
c. 102	Common Law Procedure Amendment Act (Ireland), 1856.	Provisions for enforcing arbitrator's award applied.	15, s. 7 (2) (*b*).
20&21 Vict.:			
c. 81	Burial Act, 1857	S. 6 (poor persons)—*see*	17, s. 75 (2) (*e*).
21&22 Vict.:			
c. 106	Government of India Act, 1858.	S. 4 (as amended), indemnity for infringement of.	9.
24&25 Vict.:			
c. 47	Harbours and Passing Tolls, &c., Act, 1861.	Remission as to loans under Act.	49, ss. 4–6, schs. 1–3.
c. 70	Locomotives Act, 1861.	Repealed (E.S.) except ss. 1, 2, 10 and 14 (prosp.).	43, ss. 122, 123 (2) (3), sch. 5.
c. 133	Land Drainage Act, 1861.	Act repealed; drainage districts and areas under Act deemed constituted under 1930 Act; rates under s. 38 saved.	44, ss. 1 (4), 24 (2), 83, sch. 7.
25&26 Vict.:			
c. 54	Lunacy (Scotland) Act, 1862.	S. 15 applied	22, s. 6.
27&28 Vict.:			
c. 34	House of Commons (Vacation of Seats) Act, 1864.	S. 1 (as amended), indemnity for infringement of.	9.
28&29 Vict.:			
c. 72	Navy and Marines (Wills) Act, 1865.	Ss. 3, 4, 5 paras. (2) (3), 6 (1) in part and 7 repealed, ss. 2, 5 para. (1), 6 paras. (1) (3) amended (deaths after July, 1930).	38.
c. 83	Locomotives Act, 1865.	Repealed (E.S.) except ss. 9, 10 and 13 (prosp.).	43, ss. 122, 123 (2) (3), sch. 5.
c. 104	Crown Suits, &c., Act, 1865.	S. 55 applied	28, s. 36 (4).
30&31 Vict.:			
c. 3	British North America Act, 1867.	Excluded	26, s. 1.
c. 118	Lunacy (Ireland) Act, 1867.	S. 10 applied	22, s. 6.
c. 134	Metropolitan Streets Act, 1867.	Ss. 8 and 14 excluded in part.	43, ss. 99 (2), 121 (1).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
31&32 Vict.: c. 37	Documentary Evidence Act, 1868.	Extended (Board of Trade schemes under Coal Mines Act).	34, s. 1 (7).
		Extended (maps of catchment areas).	44, s. 5 (5).
32&33 Vict.: c. 14	Revenue Act, 1869	S. 19 (3), "male servant" includes person employed to drive motor-car (prosp.).	43, ss. 118, 123 (2).
c. 67	Valuation (Metropolis) Act, 1869.	Excluded, s. 43 amended	24, ss. 12 (8), 18 (2).
		Ss. 8, 49, 53, 75, 76 repealed (April 6, 1932), Preamble, ss. 4, 12, 19, 30–3, 41, 42 (3) (6), 44, 47 (1) (3)–(5) (10), 48, 54–6, sch. 2, pt. I, repealed in part (April 6, 1932), ss. 45 restricted and amended (April 6, 1931), 55 amended, 44, 47 (10) saved.	28, ss. 31–2, 53, sch. 3, pts. II, III.
c. 115	Metropolitan Public Carriage Act, 1869.	S. 5 as to public service vehicles repealed, Act in part excluded and modified (prosp.).	43, ss. 99 (2)–(4) (7), 121 (1), 122, 123 (2), sch. 5.
33&34 Vict.: c. 71	National Debt Act, 1870.	Definition of "stock" extended.	28, s. 49 (1).
34&35 Vict.: c. 44	Incumbents Resignation Act, 1871.	Amended, ss. 13, 15 repealed, 11 and Schedules A and B substituted, 7–9, 18 amended (prosp.) by Clergy Pensions (Older Incumbents) Measure, 1930 (20 & 21 Geo. 5, No. 6), ss. 1, 2, 9, 14–5, 17, schs. 1–4.	
35&36 Vict.: c. 94	Licensing Act, 1872	S. 12 restricted (prosp.) (E.)	43, ss. 15 (3), 123 (2) (3).
38&39 Vict.: c. 55	Public Health Act, 1875.	Ss. 175–8 applied (land for Poor Law Act purposes).	17, s. 110 (*b*), and *see* ss. 117 (*b*), 118 (*b*).
		Ss. 175–8 applied (land for drainage board): provision for nuisance from disposal of spoil.	44, ss. 38, 45 (1).
39&40 Vict.: c. 16	Customs and Inland Revenue Act, 1876.	S. 5 ("male servant")—*see*	43, ss. 118, 123 (2).
c. 59	Appellate Jurisdiction Act, 1876.	S. 3 extended	24, ss. 9 (4) (*b*), 11 (4).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
40&41 Vict.:			
c. 2	Treasury Bills Act, 1877.	S. 6 excluded	11, s. 2 (2); 14, s. 2 (2); 18, s. 3 (2); 27, s. 2 (2).
c. 49	General Prisons (Ireland) Act, 1877.	Rule-making power and s. 57 extended (N.I.).	45, s. 13 (6).
c. 57	Supreme Court of Judicature Act (Ireland), 1877.	S. 61 (rules of court) applied (evidence for enforcing foreign award).	15, ss. 4, 7 (2) (*c*).
		S. 61 (rules of court) applied (criminal appeal); ss. 50 and in part 65 repealed.	45, ss. 16 (*see* ss. 1 (9), 5 (1), 7 (1), 9 (*d*), 10 (1), 11 (1), 14 (3), 15 (3)), 18, 21, sch.
c. 59	Colonial Stock Act, 1877.	Applicable by O. in C. to stock of territory under H.M. protection or mandate.	5, s. 3.
41&42 Vict.:			
c. 32	Metropolis Management and Building Acts Amendment Act, 1878.	Extended (protection from fire of premises used for public boxing).	clix, s. 18 (6).
c. 51	Roads and Bridges (Scotland) Act, 1878.	S. 57 repealed (prosp.), restrictions on steam engines near highways (*see* s. 123, incorporating, &c. s. 107 of 1 & 2 Will. 4, c. 43) excluded (prosp.).	43, ss. 52, 60 (*d*), 122, 123 (2), sch 5.
c. 58	Locomotives (Amendment) (Scotland) Act, 1878.	Repealed (prosp.)	43, ss. 122, 123 (2), sch. 5.
c. 77	Highways and Locomotives (Amendment) Act, 1878.	S. 23 and pt. II (ss. 28–33) repealed (prosp.).	43, ss. 122, 123 (2), sch. 5.
42&43 Vict.:			
c. 49	Summary Jurisdiction Act, 1879.	S. 28 applied	17, s. 151 (4).
44&45 Vict.:			
c. 58 (as amended).	Army Act	Ss. 4 (7), 6 (1) (*b*) (*h*) (*k*) omitted; 5 (7), 6 (2) (*f*)–(*h*), 187B added; 91, 138 (7) substituted; 12 (1), 145 (1) amended.	22, ss. 4–8.
45&46 Vict.:			
c. 42	Civil Imprisonment (Scotland) Act, 1882.	Extended	33, s. 4.
c. 50	Municipal Corporations Act, 1882.	Accounts and audit provisions excluded (county boroughs).	17, s. 119.
		S. 105 (purchase of land)—*see*	50, ss. 2, 8 (4), sch. 1, pt. I.
46&47 Vict.:			
c. 38	Trial of Lunatics Act, 1883.	Applied (N.I.)	45, s. 4 (4).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
48&49 Vict.: c. 54 -	Pluralities Acts Amendment Act, 1885.	S. 14 repealed by Pluralities Measure, 1930 (20 & 21 Geo. 5, No. 7), s. 1.	
50&51 Vict.: c. 16 -	National Debt and Local Loans Act, 1887.	Extended - - -	49, s. 2 (2) and *see* s. 3, sch. 1.
c. 23 -	Incumbents Resignation Act, 1871, Amendment Act, 1887.	S. 5, as to s. 8 of 1871 Act, repealed, and, as to s. 11 of 1871 Act, substituted (prosp.) by Clergy Pensions (Older Incumbents) Measure, 1930 (20 & 21 Geo. 5, No. 6), ss. 2 (2), 14–5, 17, schs. 3, 4.	
51&52 Vict.: c. 25 -	Railway and Canal Traffic Act, 1888.	Act applied, s. 20 extended	24, ss. 9 (3) (4), 11 (3) (4), 14 (4).
c. 41 -	Local Government Act, 1888.	Ss. 64 (3), 65 and (as amended) 69 applied.	17, ss. 110 (*a*), 118 (*a*).
		S. 85 from "and the following additional regulations" repealed so far as unrepealed (prosp.)	43, ss. 122, 123 (2), sch. 5.
		S. 14 (3) amended - -	44, ss. 56, 73.
51&52 Vict.: c. 43 -	County Courts Act, 1888.	S. 70 extended, rule-making power applied.	39, ss. 2 (4), 22 (3), 40 (3).
c. 54 -	Sea Fisheries Regulation Act, 1888.	Ss. 9, 10—for travelling expenses *see*	41.
52&53 Vict.: c. 14 -	Town Police Clauses Act, 1889.	Repealed (E.) as to public service vehicles (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.
c. 49 -	Arbitration Act, 1889.	S. 12 applied to foreign awards.	15, s. 2 (1).
		Act excluded save as applied by regs.	16, s. 8 (10).
		Act not to be excluded by scheme or rules under pt. I of Coal Mines Act, 1930; decision of High Court under s. 7 (*b*) to be final; Act excluded save as applied by rules under pt. IV of 1930 Act.	34, s. 16.
53&54 Vict.: c. 5 -	Lunacy Act, 1890	Summary reception order provisions applied (army and air force).	22, s. 6.
		Ss. 11 in part, 169 (except (2) (4) (5)), 170, 226 in part, 229 (with saving), 231 (2) in part (3) in part, 239, and in part 272 and 341 repealed; 330, 338 (6) substituted; 116 (1) para. (*g*) added; departmental powers under ss. 231 (2) (5) (6), 242 (3), 243 (4), 248 (2), 250, 254 (2) (4), 267 (1) (4), 268 (1),	23, ss. 5 (13) (15) (16), 6 (4), 7 (2) (3) (7), 14–7, 18 (1) (*b*), 19 (1), 20 (1) (4)–(6), 21, 22 (2)–(4), schs. 2–4.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
53&54 Vict.: c. 5 -	Lunacy Act, 1890 —*cont.*	269 (4) (5) (7), 272, 275 (1) (2) transferred to Board of Control; s. 11 (urgency orders) and rule-making power under s. 338 extended; ss. 72–4, 76–80, 82–3 applied to temporary patients; 169 (4) (5), 171–6 applied to visiting committees (under s. 7 of 1930 Act); 169 (4) (5) applied to sub-committees; 275–8 applied to local authorities' institutions; 27 (3), 40–2, 47, 49, 50–1, 55–6, 58–9, 61, 64–7, 69, 70, 72–4, 76–80, 82–3, 85, 275–8, Part. X (ss. 283–314), ss. 319, 322, 324, applicable as adapted by rules of Board of Control; terms "asylum," "pauper," and "lunatic" to be discontinued and replaced, with power for Minister to modify Act accordingly.	
54&55 Vict.: c. 39 -	Stamp Act, 1891 -	S. 112 excluded, sch. 1 amended.	28, ss. 42–5.
c. 63 -	Highways and Bridges Act, 1891	S. 4 from "but no such order" repealed (prosp.) (but *see* 19 & 20 Geo. 5, c. 17, ss. 31 (4), 137, sch. 12, pt. III).	43, ss. 122, 123 (2), sch. 5.
c. 65 -	Lunacy Act, 1891	S. 20 repealed; departmental powers, &c., under s. 12 transferred to Board of Control; terms "asylum," &c., discontinued, &c. (as for 53 & 54 Vict., c. 5, above).	23, ss. 14, 20 (1) (4)–(6), 21 (1), 22 (2)–(4), schs. 2, 4.
55&56 Vict.: c. 55 -	Burgh Police (Scotland) Act, 1892	Ss. 270–2 as to public service vehicles repealed (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.
		S. 315 (purchase of land)—*see*	50, ss. 2, 7 (*e*), 8 (4), sch. 2.
56&57 Vict.: c. 38 -	Conveyance of Mails Act, 1893.	Applied to public service vehicles run by local authority (E.S.).	43, ss. 104 (3), 123 (2) (3).
c. 61 -	Public Authorities Protection Act, 1893.	Commencement of proceedings in respect of Lunacy Act matters—*see*	23, s. 16 (1).
c. 71 -	Sale of Goods Act, 1893.	S. 24 (1) restricted (N.I.) -	45, s. 5 (1).
c. 73 -	Local Government Act, 1894.	S. 63 applicable by order -	39, s. 35 (2); and *see* s. 53 (1) (ii).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
57&58 Vict.:			
c. 30	Finance Act, 1894	Ss. 7 (5) excluded; 15 (2) saved.	28, ss. 37 (1), 40 (4).
c. 36	Valuation of Lands (Scotland) Acts Amendment Act, 1894.	Ss. 2, 3 amended	24, s. 22 (5).
c. 37	Locomotives Threshing Engines Act, 1894.	Repealed (E.S.) (prosp.)	43, ss. 122, 123 (2) (3), sch. 5.
c. 54	Railway and Canal Traffic Act, 1894.	S. 2 excluded	24, ss. 9 (4), 11 (4).
58&59 Vict.:			
c. 9	Documentary Evidence Act, 1895.	Extended to maps of catchment areas.	44, s. 5 (5).
c. 38	Isle of Man (Customs) Act, 1895.	S. 1, as to tea, repealed	1, s. 1.
59&60 Vict.:			
c. 28	Finance Act, 1896.	S. 20 (except as to deaths before August, 1930) repealed.	28, ss 40, 53, sch. 3, pt. IV.
c. 36	Locomotives on Highways Act, 1896.	Repealed (E.S.) (prosp.).	43, ss. 122, 123 (2) (3), sch. 5; and *see* s. 122 (*a*).
60&61 Vict.:			
c. 15	Navy and Marines (Wills) Act, 1897	Repealed (as to deaths after July, 1930).	38, s. 2 (2) (3), sch. 2.
c. 38	Public Health (Scotland) Act, 1897.	S. 65 as to public service vehicles repealed (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.
61&62 Vict.:			
c. 27	Isle of Man (Customs) Act, 1898.	Repealed	42, s. 2 (3).
c. 29	Locomotives Act, 1898.	Repealed (prosp.)	43, ss. 122, 123 (2), sch. 5.
c. 46	Revenue Act, 1898	S. 8 (amending Stamp Act, 1891) amended.	28, s. 44.
c. 48	Benefices Act, 1898	S. 1 amended by Benefices (Transfer of Rights of Patronage) Measure, 1930 (20 & 21 Geo. 5, No. 8), ss. 3, 7, 8, sch.	
62&63 Vict.:			
c. 14	London Government Act, 1899.	Sch. II in part repealed	clviii, s. 236, sch. 6.
63&64 Vict.:			
c. 62	Colonial Stock Act, 1900.	S. 2 applicable by O. in C.	5, s. 3.
3 Edw. 7:			
c. 25	Licensing (Scotland) Act, 1903.	S. 70 restricted	43, ss. 15 (3), 34 (*c*).
c. 36	Motor Car Act, 1903.	Repealed (prosp.)	43, ss. 122, 123 (2), sch. 5; and *see* ss. 5 (1) (*c*), 122 (*a*) (*b*).
c. 38	Poor Prisoners' Defence Act, 1903.	Repealed (Jan. 1, 1931)	32, s. 5 (1) (4).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
4 Edw. 7:			
c. 5	Army (Annual) Act, 1904.	S. 14 excluded	22, s. 6 (2).
7 Edw. 7:			
c. 53	Public Health Acts Amendment Act, 1907.	S. 95 extended S. 78 repealed (prosp.)	39, s. 5 (1) (*a*). 43, ss. 122, 123 (2), sch. 5.
c. 55	London Cab and Stage Carriage Act, 1907.	S. 3 as to public service vehicles repealed (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5; and *see* s. 99 (2).
8 Edw. 7:			
c. 15	Costs in Criminal Cases Act, 1908.	Ss. 1 (3) repealed, 1 amended (Jan. 1, 1931).	32, ss. 3, 5 (1) (4).
c. 40	Old Age Pensions Act, 1908.	S. 3 (1) (2) repealed, Act extended.	10, ss. 2, 11, 27, schs. 1, 2.
c. 57	Coal Mines Regulation Act, 1908.	S. 3 amended (Dec. 1, 1930, to July 7, 1931) with proviso for hours per fortnight (E.S.).	34, ss. 14, 19 (2).
c. 59	Prevention of Crime Act, 1908.	S. 18 (*f*) repealed, appeal to Court of Criminal Appeal in N.I. provided.	45, ss. 2, 21, sch.
c. 62	Local Government (Scotland) Act, 1908.	S. 13 as to public service vehicles and ss. 24 and 25 (1) (2) (5) (6) repealed (prosp.).	43, ss. 121 (1), 122, 123 (2), sch. 5.
c. 67	Children Act, 1908	Definition of "young person" in s. 131, for purposes of s. 20 as applied to employment abroad under 3 & 4 Geo. 5. c. 7, enlarged (up to 18) (E.S. N.I.).	21.
		S. 133 (16) repealed; s. 99 (6), appeal in N.I. provided.	45, ss. 19 (3), 21, sch.
c. 68	Port of London Act, 1908.	S. 8 (1) and sch. 3 repealed.	44, s. 83, sch. 7.
9 Edw. 7:			
c. 45	Isle of Man (Customs) Act, 1909.	S. 2 repealed	42, s. 2 (3).
c. 47	Development and Road Improvement Funds Act, 1909.	S. 16 excluded, s. 8 enlarged in application to S. (prosp.).	43, ss. 119 (7), 123 (2); and *see* s. 57.
c. 48	Asylum Officers' Superannuation Act, 1909.	"Mental hospital" substituted for "asylum"; references to institutions maintained by local authorities substituted for references to mental hospitals; provision where person becomes commissioner.	23, ss. 6 (5), 11 (9), 20 (1).
c. 49	Assurance Companies Act, 1909.	Ss. 1 (*f*) added; rules under s. 2 extended; Act applied with modification of s. 2 (1) (4) and excluding ss. 5, 6, 32 (*a*)–(*c*) (prosp.).	43, ss. 42, 43 (2), 123 (2) (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
10 Edw. 7 & 1 Geo. 5:			
c. 8	Finance (1909–10) Act, 1910.	S. 63 (except as to deaths before August, 1930) repealed.	28, ss. 40, 53, sch. 3, pt. IV.
c. 24	Licensing (Consolidation) Act, 1910.	Licensed premises purchased by local authority under pt. I of Housing Act, 1930—*see*	39, ss. 14–5.
1 & 2 Geo. 5:			
c. 29	Parsonages Act, 1911.	Repealed (prosp.) by Parsonages Measure, 1930 (20 & 21 Geo. 5, No. 1), ss. 19, 20, 22, sch.	
2 & 3 Geo. 5:			
c. 3	Shops Act, 1912	Ss. 1 (1), 4 (1) (2) modified as to Jewish hairdressers, 13–4 applied (E.S.).	35, ss. 3 (2), 4 (2), 5, 6 (2).
3 & 4 Geo. 5:			
c. 3	Provisional Collection of Taxes Act, 1913.	*See*	28, s. 12.
c. 7	Children (Employment Abroad) Act, 1913.	Definition of "young person" enlarged (up to 18) (E.S. N.I.).	21.
c. 20	Bankruptcy (Scotland) Act, 1913.	S. 163 (third parties' rights against insurers)—*see*	25, ss. 1 (2) (3), 2, 4 (*b*).
c. 27	Forgery Act, 1913	*See*	43, ss. 112, 123 (2) (3).
c. 28	Mental Deficiency Act, 1913.	Ss. 21 (1) in part and (2) (5) (6) and (with savings) (7) and (8), 28 (1) in part and schedule repealed; Act excluded; s. 63 amended; power under s. 66 saved.	23, ss. 7 (5) (7), 11, 16, 21 (1), 22 (2)–(4), sch. 4.
c. 32	Ancient Monuments Consolidation and Amendment Act, 1913.	Saved (Land Drainage Act)	44, s. 60.
4 & 5 Geo. 5:			
c. 28	Mall Approach (Improvement) Act, 1914.	S. 8 amended	clix, s. 52.
c. 58	Criminal Justice Administration Act, 1914.	S. 10 (5) (appeals in N.I.)—*see*	45, s. 19 (4).
c. 59	Bankruptcy Act, 1914.	S. 130 (third parties' rights against insurers)—*see*	25, ss. 1 (2) (3), 2.
5 & 6 Geo. 5:			
c. 4	Land Drainage Act, 1914.	Repealed	44, s. 83, sch. 7.
c. 61 (as amended)	Government of India Act.	S. 33 amended by addition	2.
6 & 7 Geo. 5:			
c. 12	Local Government (Emergency Provisions) Act, 1916.	S. 11 repealed (E.) (prosp.) (*see also* 17 & 18 Geo. 5. c. 42).	43, ss. 122, 123 (2) (3), sch. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
7 & 8 Geo. 5:			
c. 31	Finance Act, 1917	S. 37 extended (notary public in S. to include law agent).	28, s. 50.
c. 51	Air Force Constitution Act, 1917.	S. 11, indemnity for infringement of.	9.
A.F.A.	Air Force Act	Ss. 4 (7), 6 (1) (*b*) (*h*) (*k*) omitted; 5 (9), 6 (2) (*f*)–(*h*), 187B added; 91 substituted; 12 (1), 145 (1) amended.	22, ss. 5–9, sch. 2.
8 & 9 Geo. 5:			
c. 15	Finance Act, 1918	S. 38 extended	28, s. 52.
c. 17	Land Drainage Act, 1918.	Repealed	44, s. 83, sch. 7.
c. 40	Income Tax Act, 1918.	Ss. 116 (2), 138 (4) and in part sch. 1 (tax under schs. A and B) repealed (April 6, 1931), ss. 59 (6) (*e*), 90 (1) substituted, ss. 32 (3) (*f*) added, 84 (as amended) and 90 (2) (3) amended, 120, 125, 134 (1) (2), 211 (2) applied, General Rules of No. 1 of Sch. A, Rule II (1) of Rules applicable to Cases I and II of Sch. D, General Rules 17, 19, 20, &c., affected.	28, pt. II, s. 53, schs. 1, 3, pt. II.
9 & 10 Geo. 5:			
c. 50	Ministry of Transport Act, 1919.	S. 20 applied (prosp.) (Road Traffic Act).	43, ss. 114 (1), 123 (2) (3).
		S. 20 applied (Land Drainage Act).	44, s. 42 (3).
c. 57	Acquisition of Land (Assessment of Compensation) Act, 1919.	Reference Committee to appoint panel of arbitrators.	20 s. 3 (8).
		Act applied (E.)	39, ss. 13 (2), 23 (3); and *see* schs. 2, pt. I, 3, pt. II.
		Act applied (S.)	40, ss. 12 (4), 13 (2), 18 (2); and *see* schs. 2, pt. I, 3, pt. II.
		Act applied (E.S.) (prosp.)	43, ss. 53 (3), 60 (*e*), 123.
		Act extended to drainage boards, and applicable by order.	44, s. 45 (2) (5), sch. 4.
		Application under Public Works Facilities Act, 1930 (temp.)	50, ss. 2, 8 (4), sch. 1, pt. II.
c. 101	Government of India Act, 1919.	S. 45 (2) extended	2, s. 2 (2).
c. 102	Old Age Pensions Act, 1919.	S. 3 (1) repealed	10, ss. 11, 27, schs. 1, 2.
c. 100	Electricity (Supply) Act, 1919.	Amended, s. 35 (2) excluded (temp.)	50, ss. 5, 8 (4).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
10 & 11 Geo. 5:			
c. 7	Army and Air Force (Annual) Act, 1920.	S. 27 excluded	22, ss. 6 (2), 9, sch. 2.
c. 17	Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Act not excluded—*see*	(E.) 39, s. 8 (4): *see also* s. 21 (3). (S.) 40, s. 8: *see also* s. 19 (3).
c. 18	Finance Act, 1920	Ss. 5, 6 superseded, sch. 2 amended.	28, ss. 1, 2, 6.
		S. 13 (conditions of application for motor vehicle licence)—*see*	43, ss. 39, 123 (2) (3).
c. 30	Unemployment Insurance Act, 1920.	S. 5 (3) amended (State contribution).	3, s. 1.
		Benefit and old age pension—*see*	10, s. 23.
		Ss. 11, 30 repealed; 5 (5), 6, 7 (1), 17 (1), 22 (2), 28 (1), 41 (4) amended; 7 (1) (v), 8 (1) applied, 20, 35 extended, 12 (3) restricted (temp.)	16, ss. 3, 6, 8 (3), 10-1, 13, 15 (3), 16 (3) (5), 17, 19, 20, schs. 2, 3.
c. 50	Mining Industry Act, 1920.	S. 22 extended (temp.), limit in s. 5 (2) excluded (E.S.)	34, ss. 5 (6), 10, 17, 19 (2).
c. 57	Unemployment (Relief Works) Act, 1920.	S. 2 (1) amended (temp.)	50, ss. 4, 8 (4).
c. 67	Government of Ireland Act, 1920.	S. 6 (Act deemed passed before appointed day)—*see*	45, s. 21 (3).
c. 72	Roads Act, 1920.	Ss. 7 (1)–(7), 14 (1) (3) as to public service vehicles, 15–6 and sch. 2 repealed; ss. 3 (4) (*c*) (*e*) amended; s. 3 (4) (*b*) in part, and power to make rules under s. 12, applied; ss. 2, 3 (5) extended (E.S.) (prosp.)	43, ss. 39, 88 (2), 89, 115, 117, 121 (1), 122, 123 (2) (3), sch. 5; and *see* ss. 119 (7) (11), 122 (*c*).
c. 80	Air Navigation Act, 1920.	Compulsory purchase of land for aerodromes (temp.)—*see*	50, ss. 2, 8 (4), sch. 1, pt. I.
11 & 12 Geo. 5:			
c. 1	Unemployment Insurance Act, 1921.	S. 5 amended (limit of Treas. advances raised).	47 (superseding c. 19).
c. 7.	Tribunals of Inquiry (Evidence) Act, 1921.	Applied (except s. 2 (*a*)) (E.S.)	34, ss. 12 (2), 19 (2).
		S. 1 applied (temp.)	50, ss. 1 (6), 8 (3).
c. 15	Unemployment Insurance (No. 2) Act, 1921.	S. 10 amended (temp.)	16, s. 20, sch. 3.
c. 26	Overseas Trade (Credits and Insurance) Amendment Act, 1921.	Extended (period for guarantees).	31.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
11 & 12 Geo. 5:			
c. 32 -	Finance Act, 1921	S. 44 (except as to deaths before August, 1930) repealed, s. 32 (3) (*b*) substituted.	28, ss. 19, 40, 53, sch. 3, pt. IV.
		S. 10 ("male servant"), 1903 Act replaced (prosp.)	43, ss. 118, 123 (2).
c. 47 -	Safeguarding of Industries Act, 1921	Ss. 1 (2) in pt., 2–9 and in pt. 11 repealed.	28, ss. 5, 53, sch. 3, pt. IV,
c. 58 -	Trusts (Scotland) Act, 1921.	S. 11 "colonial stock" extended.	5, s. 3 (3).
c. 65 -	Trade Facilities Act, 1921.	S. 2 (2) (period for guarantees) extended.	31.
12 & 13 Geo. 5:			
c. 4 -	Irish Free State (Agreement) Act, 1922.	Article 10 of scheduled Agreement supplemented	4.
c. 7 -	Unemployment Insurance Act, 1922.	Ss. 1 (2) repealed, 1 (1), 14 (1) amended, 1 (1) proviso restricted (temp.)	16, ss. 2 (2), 17, 20, schs. 2, 3.
c. 17 -	Finance Act, 1922	S. 22 extended - -	28, s. 13 (4).
c. 21 -	Treaties of Washington Act, 1922.	S. 1 (1) proviso extended (prosp.) s. 4 virt. repealed.	48.
13 Geo. 5. sess. 2:			
c. 2 -	Irish Free State (Consequential Provisions) Act, 1922 (sess. 2).	Sch. 1, para. 6 (2) repealed in part.	45, ss. 18, 21, sch.
13 & 14 Geo. 5:			
c. 2 -	Unemployment Insurance Act, 1923.	S. 9 (2) repealed (temp.) -	16, s. 20, sch. 3.
c. 16 -	Salmon and Freshwater Fisheries Act, 1923.	Saved (Land Drainage Act).	44, s. 62.
c. 24 -	Housing, &c., Act, 1923.	Ss. 1 (3) repealed, 6 amended, power to reduce measurements in s. 1 (2)	39, ss. 26 (5), 45-6, 64, sch. 6.
		Ss. 1 (3), 23 (5) repealed, 6, 23 (6) (7) amended (S.)	40, ss. 23 (6), 33, 50 (3), 51, schs. 5, 6; and *see* s. 33.
c. 32 -	Rent and Mortgage Interest Restrictions Act, 1923.	S. 2 excluded (E.) - -	39, s. 8 (4).
		S. 2 excluded (S.) - -	40, s. 8.
14 & 15 Geo. 5:			
c. 8 -	Trade Facilities Act, 1924.	Guarantee period further extended.	31.
c. 21 -	Finance Act, 1924	Ss. 12 (2) applied to London and in part repealed (April 6, 1931), 30 extended.	28, ss. 3, 25 (2), 53, sch. 3, pt. II.

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
14 & 15 Geo. 5:			
c. 24 -	Isle of Man (Customs) Act, 1924.	S. 4 continued - - -	42, s. 5 (1).
c. 30 -	Unemployment Insurance (No. 2) Act, 1924.	Ss. 3, 7 (2) repealed in part, 6 (*a*) amended (temp.).	16, ss. 17, 20, schs. 2, 3.
c. 34 -	London Traffic Act, 1924.	Ss. 9 repealed, 15 amended, 6 excluded (prosp.).	43, ss. 99 (2), 115, 122, 123 (2); and *see* ss. 98 (4), 110.
c. 35 -	Housing (Financial Provisions) Act, 1924.	Ss. 2, 3 (revision of contributions)—*see*	6 (as amended by c. 39, ss. 44 (2), 64, 65 (3), sch. 6).
		Ss. 2 (2) repealed, 3 (1) (*c*), (2) (*c*), 5, 16 (2) amended, s. 2 applied.	39, ss. 35 (3), 43–4, 46 (2), 50, 53 (2), 64, 65 (3), schs. 5, 6.
		S. 16 amended (S). - -	40, ss. 46, 50, sch. 5.
c. 38 -	National Health Insurance Act, 1924.	Application to widows', etc. pensions.	10, ss. 1 (1) (*b*) (2) (4), 3 (3) (4), 9 (1), 25.
		Benefit excluded in grant of out-door relief, s. 17 saved.	17, ss. 48 (2), 51 (6).
c. 39 -	Arbitration Clauses (Protocol) Act, 1924.	S. 1 (1) amended - -	15, s. 8.
15 & 16 Geo. 5:			
c. 14 -	Housing Act, 1925	Ss. 3, 4, 9–15, 18 (2) (3), 19–26, 28, 29 (3), 33–40, 42–5, 46 (3), 47–52, 54–6, 60–1, 73–7, 82, 115, 122 (1), 128, definition of "owner" in s. 135, schs. I–III repealed; ss. 99 (3), 109 (4), 128 substituted; ss. 7 (3), 8, 16 (1), 17 (1), 18 (1), 29 (2), 31, 41 (1) (2), 62, 64, 80 (2) (*b*) (ii) (3), 86 (1) (2), 92 (2) (3), 93, 98, 99 (1) (2), 103, 104 (1), 106 (1)–(3), 107 (1), 108 (1) (2), 109 (1)–(3), 124 (1) (*c*), 127 (*b*) amended; substituted provisions inserted in Pts. I and II; ss. 92 (1) extended, 6 applicable under byelaws, 46 (1) (2) applied as modified; as to London Pt. III and s. 53 extended and s. 80 excluded; "official representation" defined.	39, ss. 8 (3), 12 (2), 16 (7) (9), 20, 25 (4), 47, 50, 51 (1), 59, 63–4, 65 (2)–(4), schs. 3, pt. I, 5, 6.
		Ss. 103–5 applied as modified (temp.).	50, ss. 2 (1) (*a*), 8 (4).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
15 & 16 Geo. 5:			
c. 15 -	Housing (Scotland) Act, 1925.	Ss. 3, 4, 6–11, 12 (2) (3), 14–9, 23 (3), 26–31, 33–6, 37 (3), 38–42, 47–8, 61–2, 102 (1), definition of "owner" in s. 119, schs. I and II repealed; ss. 12 (1), 13 (1), 21 (1), 23 (2), 24 (3), 25, 32 (1) (2), 49, 51, 59 (*d*), 60, 66 (1), 68 (1), 70 (1) (2), 75 (2) (3), 76, 79, 80 (1)–(4), 86, 87 (1), 89 (1) (2) (*a*), 90 (1), 103 (2), 104, 105 (1) (*a*) (2), 106, 109 (*b*), 112 amended; (consequentially upon passing of Local Government (S.) Act, 1929) ss. 45 (3), 57, 68 (1) (3), 69 (2), 70 (1) (2), 71, 72 (1), 75–6, 80 (4), sch. 5 amended, ss. 66 (2), 67, 69 (1) (3), sch. 4, para. 7 omitted and 68 (2), 118 substituted; ss. 24, 37 (1) as modified and (2) applied, 75 (1) extended; substituted provisions inserted in Pts. I and II; "official representation" defined.	40, ss. 7 (3), 12 (2), 22 (3), 34, 35 (1) (2), 36 (1), 50–1, schs. 2, 3, pt. I, 4–6.
		Ss. 86–8 applied as modified (temp.).	50, ss. 2 (1) (*a*), 7 (*c*), 8 (4).
c. 20 -	Law of Property Act, 1925.	S. 193 saved - - - S. 9 extended - - -	43, s. 14 (2). 44, s. 76 (6).
c. 28 -	Administration of Justice Act, 1925.	S. 19 excluded - - -	39, s. 22 (2).
c. 36 -	Finance Act, 1925	S. 7 saved, new scale substituted in sch. 4 (deaths after July 31, 1930).	28, ss. 1 (2), 2 (5), 33, sch. 2.
c. 49 -	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 99 applied (evidence for enforcing foreign award).	15, s. 4 (3).
c. 56 -	Isle of Man (Customs) Act, 1925.	S. 9 virtually repealed, ss. 5–7 (as amended) continued (*see also* continuance by 20 & 21 Geo. 5. c. 1).	42, ss. 1, 5.
c. 68 -	Roads Improvement Act, 1925.	S. 8 amended (prosp.) -	43, ss. 115 (2), 123 (2).
c. 69 -	Unemployment Insurance Act, 1925.	S. 4 (2) in part repealed -	3, s. 2 (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 20 & 21 Geo. 5.
15 & 16 Geo. 5:			
c. 70 -	Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	Ss. 21 (2), 23, 25–6, 28 (4) proviso, 29 (3), sch. 3 repealed; s. 11 (3) replaced; ss. 3 (1) (*c*), 5 (*b*), 7 (1) proviso and (2), 15 (7), 20 (1) proviso, 24 (1) (2), 29 (2), 30 (1) (*c*) (*e*), 44 (3), sch. 2 proviso amended; ss. 1 (2), 18 para. (*d*), 19 (1) proviso (*b*), 20 (1) (*d*), 24 (5) substituted; ss. 5 new proviso, 8 proviso (iv), 30 para. (*i*) added; Act generally and ss. 6 (3), 30, 35 (1) extended; ss. 6 (1), 20 (2) applied; ss. 22 (*a*) excluded, 35 (2) saved, 15 (5), 22 (*b*) explained, 28 explained and restricted, 29 explained and applied.	10, ss. 1, 2, 3 (1) (5) (6), 4–8, 9 (2) (3), 10–1, 12 (1) (3), 13 (3), 14–5, 17–20, 26–7, schs. 1, 2.
		Provision for adopted children in Scotland.	37, s. 5 (2).
c. 71 -	Public Health Act, 1925.	S. 68 affected, s. 74 (1) repealed (prosp.).	43, ss. 90 (2)–(6) (8) (10), 122, 123 (2), sch. 5.
c. 84 -	Workmen's Compensation Act, 1925.	Receipt for compensation exempted from stamp duty.	28, s. 44.
		S. 47 extended (asbestosis); subs. (1)–(3) amended.	29.
		Provision for adopted children in Scotland.	37, s. 5 (2).
c. 86 -	Criminal Justice Act, 1925.	Ss. 40 repealed, 24 (1) (*c*) excluded (prosp.).	43, ss. 10 (5), 122, 123 (2), sch. 5.
c. 90 -	Rating and Valuation Act, 1925.	Act in part excluded and applied, s. 19 (2) amended.	24, s. 18 (2)–(4).
		S. 43 (2) (3) extended (as modified) to London.	28, s. 32 (4).
		Act applied to recovery of drainage rate arrears.	44, s. 31 (1).
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c. 3 -	Trade Facilities Act, 1926.	Guarantee period further extended.	31.
c. 9 -	Economy (Miscellaneous Provisions) Act, 1926.	S. 8, sch. 2 repealed - -	3, s. 2 (3).
c. 18 -	Secretaries of State Act, 1926.	S. 3, indemnity for infringement of.	9.
c. 22 -	Finance Act, 1926	Pt. II (ss. 15–8) and (with saving) s. 29 (1) (*a*) repealed (Nov. 1, 1930), ss. 14 (2) applied, 34 (1) substituted.	28, ss. 4, 6 (3) 14, 53, sch. 3 Parts I, IV.
c. 24 -	Land Drainage Act, 1926.	Repealed - - - -	44, s. 83, sch. 7
c. 27 -	Isle of Man (Customs) Act, 1926.	Ss. 6, 8, 14 continued -	42, s. 5 (1) (2).
c. 28 -	Mining Industry Act, 1926.	Pt. I amended and applied (E.S.).	34, ss. 13, 19 (2)

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c. 29 -	Adoption of Children Act, 1926.	Orphan's pension—*see* Adopted children excluded.	10, s. 24. 17, s. 52 (7).
c. 62 -	Palestine and East Africa Loans Act, 1926.	S. 1 (2) (*b*) and sch. 2 amended.	5, s. 4 (*see also* s. 1 (1) (*n*)).
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c. 14 -	Poor Law Act, 1927.	Whole Act, except s. 8 and except ss. 6, 9, 10, 14–6 and 27 so far as those sections are applied by any other enactment, and except ss. 154 (2) (3) and 155 so far as they relate to payment of costs, and except s. 207, repealed.	17, ss. 104 (*a*), 164, sch. 4.
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1929-30

THE
LOCAL AND PRIVATE ACTS

PASSED IN THE TWENTIETH AND TWENTY-FIRST YEARS OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

IN THE FIRST SESSION OF THE THIRTY-FIFTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

WITH AN

INDEX.

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TABLE I.

A TABLE

OF

THE TITLES OF THE LOCAL AND
PRIVATE ACTS (INCLUDING THE PUBLIC ACTS OF
A LOCAL CHARACTER) PASSED DURING
THE SESSION
ARRANGED ACCORDING TO CHAPTER.

20 & 21 GEORGE 5.—A.D. 1929-30.

JUNE 25, 1929—AUGUST 1, 1930.

LOCAL ACTS.

The Titles to which the Letter **P**. *is prefixed are Public Acts of a Local Character.*

20 GEO. 5.

ROYAL ASSENT, 26th July, 1929.

P. **i.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Cardiff Gateshead Newcastle-upon-Tyne and Uxbridge. (*Ministry of Health Provisional Orders Confirmation* (*No.* 3).)

P. **ii.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Gillingham and Sunderland. (*Ministry of Health Provisional Orders Confirmation* (*No.* 7).)

P. **iii.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Baildon Cambridge Oswestry and South Staffordshire Joint Small-pox Hospital District. (*Ministry of Health Provisional Orders Confirmation* (*No.* 8).)

P. **iv.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Bognor and South Mimms. (*Ministry of Health Provisional Orders Confirmation* (*No.* 9).)

P. **v.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Maidstone Northampton Pontardawe and Southampton. (*Ministry of Health Provisional Orders Confirmation* (*No.* 10).)

P. **vi.** An Act to confirm a Provisional Order made by the Minister of Transport under the Darlington Corporation (Transport &c.) Act 1925 relating to Darlington Corporation Trolley Vehicles. (*Darlington Corporation Trolley Vehicles* (*Additional Routes*) *Order Confirmation.*)

P. **vii.** An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Cattewater and Neyland. (*Pier and Harbour Orders Confirmation.*)

P. **viii.** An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Kilmarnock Water. (*Kilmarnock Water Order Confirmation.*)

P. **ix.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the London Midland and Scottish Railway. (*London Midland and Scottish Railway Order Confirmation.*)

P. **x.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Inverness Water and Gas. (*Inverness Water and Gas Order Confirmation.*)

P. **xi.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Leith Harbour and Docks. (*Leith Harbour and Docks Order Confirmation.*)

P. **xii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline and District Traction. (*Dunfermline and District Traction Order Confirmation.*)

P. **xiii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Falkirk and District Traction. (*Falkirk and District Traction Order Confirmation.*)

P. **xiv.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Greenock Burgh. (*Greenock Burgh Order Confirmation.*)

P. **xv.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Ross and Cromarty (Dornie Bridge &c.). (*Ross and Cromarty* (*Dornie Bridge &c.*) *Order Confirmation.*)

P. **xvi.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Ayr Burgh. (*Ayr Burgh Order Confirmation.*)

P. **xvii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dundee Broughty Ferry and District Traction. (*Dundee Broughty Ferry and District Traction Order Confirmation.*)

P. **xviii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dundee Corporation. (*Dundee Corporation Order Confirmation.*)

P. **xix.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire Renfrewshire and Dunbartonshire Education Authorities. (*Lanarkshire Renfrewshire and Dunbartonshire Education Authorities Order Confirmation.*)

xx. An Act to amend the provisions of the Clyde Navigation Acts 1858 to 1919 relating to rates dues tolls rents and charges to confer further powers on the Trustees of the Clyde Navigation and for other purposes. (*Clyde Navigation.*)

xxi. An Act to provide for the extension of the urban district of Hendon to confer further powers on the Council of that district to make further and better provision for the improvement health and local government of the district and for other purposes. (*Hendon Urban District Council.*)

xxii. An Act to provide for the reconstruction of the Grand Junction Company and its constitution as a limited company under the Companies Acts 1908 to 1917 and for other purposes. (*Grand Junction Company.*)

xxiii. An Act to authorise the mayor aldermen and burgesses of the borough of Derby to construct street works to acquire lands for the erection of a town hall and other purposes to make further provision with regard to their omnibus tramway water and markets undertakings and the health local government and improvement of the borough and for other purposes. (*Derby Corporation.*)

xxiv. An Act to empower the Barmouth Urban District Council to construct sea walls promenades and other works to acquire the undertaking of the Barmouth Harbour Trustees to confer powers upon them with regard to electricity and further powers with regard to water and for other purposes. (*Barmouth Urban District Council.*)

xxv. An Act to empower the London Electric Railway Company to execute works to confer further powers on that company and on the Metropolitan District Railway Company and the City and South London Railway Company and for other purposes. (*London Electric Metropolitan District and City and South London Railway Companies.*)

xxvi. An Act to incorporate and confer powers on the Romford Gas Company. (*Romford Gas.*)

xxvii. An Act to extend the boundaries of the City of Stoke-on-Trent and for other purposes. (*Stoke-on-Trent Extension.*)

xxviii. An Act to authorise the Sutton District Water Company to raise additional capital to confer further powers upon the Company and for other purposes. (*Sutton District Waterworks.*)

Royal Assent, 6th December, 1929.

xxix. An Act to make further and better provision for the health local government finance and improvement of the Edmonton Urban District and for other purposes. (*Edmonton Urban District Council.*)

P. xxx. An Act to confirm certain Provisional Orders of the Minister of Health relating to Brighton Halifax and Upton upon Severn. (*Ministry of Health Provisional Orders Confirmation* (*No.* 11).)

P. xxxi. An Act to confirm certain Provisional Orders of the Minister of Health relating to Bradford and Newbury. (*Ministry of Health Provisional Orders Confirmation* (*No.* 12).)

Royal Assent, 20th December, 1929.

P. xxxii. An Act to confirm a Provisional Order of the Minister of Health relating to Knebworth Water. (*Ministry of Health Provisional Order Confirmation* (*Knebworth Water*).)

P. xxxiii. An Act to confirm certain Provisional Orders of the Minister of Health relating to Bristol Water and Ross Water. (*Ministry of Health Provisional Orders Confirmation* (*Bristol and Ross Water*).)

P. xxxiv. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire Traction. (*Lanarkshire Traction Order Confirmation.*)

P. xxxv. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Astley Ainslie Institution. (*Astley Ainslie Institution Order Confirmation.*)

xxxvi. An Act to make provision as to the abandonment of the tramways and tramroads of the Tyneside Tramways and Tramroads Company to enlarge the powers of the Company with respect to the provision and running of omnibuses and for other purposes. (*Tyneside Tramways and Tramroads.*)

xxxvii. An Act to authorise the Corporation of the city of Glasgow to widen a road and reconstruct a bridge in the city to extend the time for the construction of tramways and other works to amend the provisions of the Glasgow Police Act 1866 with respect to stage carriages and stage coaches and for other purposes. (*Glasgow Corporation.*)

xxxviii. An Act to empower the lord mayor aldermen and citizens of the city of Birmingham to construct street improvements and a tramway to extend their limits and those of the East Worcestershire Waterworks Company for the supply of water to enlarge their powers in regard to their savings and housing bank and to make further provision in regard to their several undertakings and to the health local government and improvement of the city and for other purposes. (*Birmingham Corporation* (*General Powers*).)

ROYAL ASSENT, 6th February, 1930.

P. xxxix. An Act to confirm a Provisional Order of the Minister of Health relating to Sheppey Water. (*Ministry of Health Provisional Order Confirmation* (*Sheppey Water*).)

P. xl. An Act to confirm certain Provisional Orders of the Minister of Health relating to Exeter and Romford. (*Ministry of Health Provisional Orders Confirmation* (*No.* 13).)

ROYAL ASSENT, 20th March, 1930.

P. xli. An Act to confirm a Provisional Order of the Minister of Health relating to Gosport. (*Ministry of Health Provisional Order Confirmation* (*Gosport Extension*).)

P. xlii. An Act to confirm a Provisional Order of the Minister of Health relating to the Fylde Water Board. (*Ministry of Health Provisional Order Confirmation* (*Fylde Water Board*).)

P. xliii. An Act to confirm a Provisional Order of the Minister of Health relating to Bradford. (*Ministry of Health Provisional Order Confirmation* (*Bradford Extension*).)

P. xliv. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Rothesay Tramways and Omnibuses. (*Rothesay Tramways and Omnibuses Order Confirmation.*)

ROYAL ASSENT, 28th March, 1930.

P. xlv. An Act to confirm a Provisional Order of the Minister of Health relating to Conway and Penmaenmawr Joint Hospital District (*Ministry of Health Provisional Order Confirmation Conway and Penmaenmawr Joint Hospital District*).)

P. **xlvi.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dundee Corporation (General Powers). (*Dundee Corporation* (*General Powers*) *Order Confirmation.*)

Royal Assent, 15th April, 1930.

P. **xlvii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation. (*Edinburgh Corporation Order Confirmation.*)

xlviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Renfrewshire Upper District (Eastwood and Mearns) Water. (*Renfrewshire Upper District* (*Eastwood and Mearns*) *Water Order Confirmation.*)

P. **xlix.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the London Midland and Scottish Railway (Hotel Water). (*London Midland and Scottish Railway* (*Hotel Water*) *Order Confirmation.*)

P. **l.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Barry and Scarborough. (*Ministry of Health Provisional Orders Confirmation* (*Barry and Scarborough*).)

li. An Act to confer further powers upon the United Kingdom Temperance and General Provident Institution and for other purposes. (*United Kingdom Temperance and General Provident Institution.*)

lii. An Act to empower the lord mayor aldermen and citizens of the city of Portsmouth to acquire lands compulsorily and to establish thereon an aerodrome undertaking to confer powers upon them with respect to their tramways and electricity undertakings and for other purposes. (*Portsmouth Corporation.*)

liii. An Act to amend certain provisions relating to the sale of gas by the South Staffordshire Mond Gas Company and for other purposes. (*South Staffordshire Mond Gas.*)

liv. An Act to authorise the Corporation of Liverpool to construct street works a new tramway a storage reservoir and other works to confer further powers upon them with respect to their waterworks undertaking and for other purposes. (*Liverpool Corporation* (*Works*).)

lv. An Act to empower the London and North Eastern Railway Company to construct new railways widenings and other works and to acquire lands to extend the time for the completion of certain railways and for other purposes. (*London and North Eastern Railway* (*Works*).)

lvi. An Act to empower the Corporation of Rochdale to construct additional waterworks to make further provision with respect to the water undertaking of the Corporation and for other purposes. (*Rochdale Corporation Water.*)

lvii. An Act to authorise the Chester Waterworks Company to construct new works and to raise additional capital to extend the limits of supply of the Company and for other purposes. (*Chester Waterworks.*)

lviii. An Act to empower the urban district council of Milford Haven to construct additional waterworks and for other purposes. (*Milford Haven Urban District Council.*)

lix. An Act to confer further powers on the Trustees and Guardians of Shakespeare's Birthplace to amend the Shakespeare Birthplace &c. Trust Act 1891 and for other purposes. (*Shakespeare Birthplace &c. Trust* (*Amendment*).)

lx. An Act to extend the periods limited for making and completing works authorised by the Bromborough Dock Act 1923 and to provide for the abandonment of part of Work No. 4 by that Act authorised. (*Bromborough Dock.*)

20 & 21 Geo. 5.

Royal Assent, 4th June, 1930.

lxi. An Act to provide for the transfer to the East Surrey Water Company of the undertakings of the Limpsfield and Oxted Water Company and the Chelsham and Woldingham Waterworks Company Limited to extend the area of supply of the East Surrey Water Company and authorise them to raise additional capital and for other purposes. (*East Surrey Water.*)

lxii. An Act to make further provision as to the supply of water in bulk by the Chichester Corporation to the Selsey Water Company to confer further powers on the Company and for other purposes. (*Selsey Water.*)

lxiii. An Act to authorise the lord mayor aldermen and burgesses of the city of Bristol to execute street works and to acquire lands for those works and for the erection of a maternity clinic and for other purposes. (*Bristol Corporation* (*No.* 1).)

lxiv. An Act to sub-divide the shares in the issued capital of the Liverpool Exchange Company to confer further powers upon that Company to make further provisions with respect to the Exchange news room and for other purposes. (*Liverpool Exchange.*)

lxv. An Act to confer further borrowing powers upon the mayor aldermen and citizens of the city of Wakefield and for other purposes. (*Wakefield Corporation.*)

lxvi. An Act to authorise the mayor aldermen and burgesses of the borough of Derby to construct river improvements and street works to provide and work trolley vehicles and for other purposes. (*Derby Corporation.*)

lxvii. An Act to change the name of the Borough of Portsmouth Waterworks Company to extend their limits for the supply of water to consolidate and convert their ordinary capital to authorise them to raise additional capital and for other purposes. (*Portsmouth Water.*)

lxviii. An Act for conferring further powers upon the Great Western Railway Company in respect of their own undertaking and upon that company and the London Midland and Scottish Railway Company in respect of an undertaking in which they are jointly interested and for other purposes. (*Great Western Railway.*)

lxix. An Act to authorise the Tees Valley Water Board to construct additional waterworks to confer further powers upon the Board and for other purposes. (*Tees Valley Water.*)

lxx. An Act to authorise the Scottish Central Electric Power Company to raise additional capital to confer further powers upon the Company and for other purposes. (*Scottish Central Electric Power.*)

lxxi. An Act to convert and consolidate the capital of the Milford Docks Company to confer further powers on that Company and for other purposes. (*Milford Docks.*)

lxxii. An Act to confer further powers upon the Malvern Hills Conservators and for other purposes. (*Malvern Hills.*)

lxxiii. An Act to provide for the abandonment of the railways authorised by the Barnsley and District Light Railway Order 1900 and for other purposes. (*Barnsley and District Light Railways* (*Abandonment*).)

lxxiv. An Act to incorporate and confer powers upon the Faversham Oyster Fishery Company to provide for the transfer to and vesting in that Company of the undertaking of the Company or Fraternity of Free Fishermen and Dredgermen of the Manor and Hundred of Faversham in the County of Kent to dissolve the said Company or Fraternity and for other purposes. (*Faversham Oyster Fishery.*)

lxxv. An Act to confer further powers on the Falmouth Waterworks Company and for other purposes. (*Falmouth Water.*)

lxxvi. An Act to incorporate the Trustees of the Borough Market (Southwark) to confer further powers upon the Trustees as incorporated and for other purposes. (*Borough Market* (*Southwark*).)

lxxvii. An Act for conferring further powers upon the Great Western Railway Company in respect of their docks at Swansea and Port Talbot respectively and for other purposes. (*Great Western Railway* (*Docks*).)

lxxviii. An Act to authorise the construction of street works the deviation of a railway and the closing of part of a canal in the county borough of Newport to authorise the mayor aldermen and burgesses of the borough to provide and work trolley vehicles to make further provision for the finance of the borough and for other purposes. (*Newport Corporation* (*No.* 1).)

lxxix. An Act to enlarge the powers of the mayor aldermen and burgesses of the county borough of Newport with respect to their water electricity tramway and omnibus undertakings to make further provision for the health local government improvement and finance of the borough and for other purposes. (*Newport Corporation* (*No.* 2).)

lxxx. An Act to authorise the Metropolitan Railway Company to construct new railways and to acquire lands to authorise the Company to raise further moneys to confer further powers on the Company and for other purposes. (*Metropolitan Railway.*)

lxxxi. An Act to constitute and incorporate a Joint Board consisting of representatives of the urban district councils of Kingsbridge and Salcombe with power to construct works for intercepting and distributing the waters of the Bala Brook and for other purposes. (*Kingsbridge and Salcombe Water Board.*)

lxxxii. An Act to empower the Corporation of Birkenhead to execute street improvements to confer further powers upon them with respect to their tramway and electricity undertakings to make better provision for the health local government and finance of the borough and for other purposes. (*Birkenhead Corporation.*)

lxxxiii. An Act for authorising the East Kent District Water Company to construct new waterworks for extending their limits for the supply of water for conferring further powers upon the Company and for other purposes. (*East Kent District Water.*)

lxxxiv. An Act for authorising the Mid Kent Water Company to construct new waterworks and to raise additional capital for extending their limits for the supply of water for conferring further powers upon the Company and for other purposes. (*Mid Kent Water.*)

lxxxv. An Act to extend the boundaries of the borough of Sutton Coldfield to make further and better provision for the improvement health and local government of the borough and for other purposes. (*Sutton Coldfield Corporation.*)

lxxxvi. An Act to empower the mayor aldermen and citizens of the city of Coventry to acquire lands and construct street works and a bye-pass road to empower the Corporation to construct an improvement of the river Sherbourne and an extension of their Windmill Road cemetery to make special provision with regard to the cost of constructing the bye-pass road to confer further powers upon the Corporation with regard to the health and good government of the city and for other purposes. (*Coventry Corporation.*)

lxxxvii. An Act to empower the mayor aldermen and burgesses of the county borough of Croydon to execute street works and to acquire lands for those and other purposes to confer further powers upon the Corporation in regard to their water undertaking and the health local government and improvement of the borough and for other purposes. (*Croydon Corporation.*)

lxxxviii. An Act to empower the London Electric Railway Company to construct new railways subways and works and to raise additional moneys to empower the Metropolitan District Railway Company to construct widenings of portions of its railway and to raise additional moneys to empower the Central London Railway Company to construct subways and works and to raise additional moneys to empower the City and South London Railway Company and the Metropolitan District Railway Company to construct a subway and to confer further powers on the said and other companies and for other purposes. (*London Electric Metropolitan District Central London and City and South London Railway Companies.*)

lxxxix. An Act to empower the mayor aldermen and burgesses of the county borough of Middlesbrough and the county council of the administrative county of Durham to construct a new bridge over the river Tees and to execute other works in connection therewith to provide for the vesting of the said bridge and approaches and for other purposes. (*Tees (Newport) Bridge.*)

P. **xc.** An Act to confirm a Provisional Order of the Minister of the Minister of Health relating to Blandford Forum. (*Ministry of Health Provisional Order Confirmation (Blandford Forum Extension).*)

P. **xci.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Guildford and the West Kent Main Sewerage District. (*Ministry of Health Provisional Orders Confirmation (Guildford and West Kent Main Sewerage District).*)

P. **xcii.** An Act to confirm certain Provisional Orders of the Minister of Health relating to the Fylde Water Board and Oldham and Rochdale. (*Ministry of Health Provisional Orders Confirmation (Fylde Water Board Oldham and Rochdale).*)

P. xciii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kirkcaldy Corporation. (*Kirkcaldy Corporation Order Confirmation.*)

P. xciv. An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1923 relating to the River Severn and other waters. (*Severn District Fisheries Provisional Order Confirmation.*)

P. xcv. An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1923 relating to the River Coquet and other waters. (*Coquet Fisheries Provisional Order Confirmation.*)

P. xcvi. An Act to confirm a Provisional Order made by the Ministry of Agriculture and Fisheries under the Sea Fisheries Act 1868 relating to an Oyster and Mussel Fishery in Boston Deeps and an Oyster Mussel and Cockle Fishery in other parts of the estuary of the Wash. (*Boston Oyster Fishery Order Confirmation.*)

ROYAL ASSENT, 10th July, 1930.

P. xcvii. An Act to confirm certain Provisional Orders of the Minister of Health relating to Ashby-de-la-Zouch and Slough. (*Ministry of Health Provisional Orders Confirmation* (*Ashby-de-la-Zouch and Slough*).)

P. xcviii. An Act to confirm certain Provisional Orders of the Minister of Health relating to Aylesbury Chesham and Guildford. (*Ministry of Health Provisional Orders Confirmation* (*Aylesbury Chesham and Guildford*).)

P. xcix. An Act to confirm a Provisional Order of the Minister of Health relating to Hexham. (*Ministry of Health Provisional Orders Confirmation* (*Hexham*).)

P. c. An Act to confirm certain Provisional Orders of the Minister of Health relating to Chippenham and Grimsby. (*Ministry of Health Provisional Orders Confirmation* (*Chippenham and Grimsby*).)

P. ci. An Act to confirm certain Provisional Orders of the Minister of Health relating to Brentford and Chiswick and Ramsgate. (*Ministry of Health Provisional Orders Confirmation* (*Brentford and Chiswick and Ramsgate*).)

P. cii. An Act to confirm certain Provisional Orders of the Minister of Health relating to Bognor Regis and Chepping Wycombe. (*Ministry of Health Provisional Orders Confirmation* (*Bognor Regis and Chepping Wycombe*).)

P. ciii. An Act to confirm certain Provisional Orders of the Minister of Health relating to Cranbrook District Water and Sevenoaks Water. (*Ministry of Health Provisional Orders Confirmation* (*Cranbrook District Water and Sevenoaks Water*).)

P. **civ.** An Act to confirm a Provisional Order of the Minister of Health relating to Hendon Rural District. (*Ministry of Health Provisional Order Confirmation* (*Hendon Rural*).)

P. **cv.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Kidderminster and Llanelly. (*Ministry of Health Provisional Orders Confirmation* (*Kidderminster and Llanelly*).)

P. **cvi.** An Act to confirm a Provisional Order made by the Minister of Transport under the Maidstone Corporation Act 1923 relating to Maidstone Corporation trolley vehicles. (*Maidstone Corporation* (*Trolley Vehicles*) *Order Confirmation.*)

P. **cvii.** An Act to confirm a Scheme approved and certified by the Board of Education under the Charitable Trusts Acts 1853 to 1925 relating to the Crediton Exhibition Foundation in the Ancient Parish of Crediton in the County of Devon. (*Board of Education Scheme* (*Devon Crediton Exhibition Foundation*) *Confirmation.*)

cviii. An Act to repeal and amend provisions of the local Acts of the mayor aldermen and burgesses of the borough of Burnley and for other purposes. (*Burnley Corporation.*)

cix. An Act to authorise the mayor aldermen and burgesses of the borough of Reading to acquire the undertaking of the Tilehurst Pangbourne and District Water Company Limited to authorise the said mayor aldermen and burgesses to execute waterworks and street works and for other purposes. (*Reading Corporation.*)

cx. An Act to extend the period for the completion of certain works authorised by the Lochaber Water Power Act 1921 to extend the area of supply of and confer further powers upon The Lochaber Power Company and for other purposes. (*Lochaber Water Power.*)

cxi. An Act to make further provision with respect to the water electricity and omnibus undertakings of the mayor aldermen and burgesses of the borough of Lancaster and for other purposes. (*Lancaster Corporation.*)

cxii. An Act to confer further powers upon the corporation of Liverpool with respect to their tramways and electricity undertakings to make better provision for the health and local government of the City and for other purposes. (*Liverpool Corporation* (*General Powers*).)

cxiii. An Act to empower the London Midland and Scottish Railway Company to construct a railway and works and to acquire lands and for other purposes. (*London Midland and Scottish Railway* (*No.* 1).)

cxiv. An Act to authorise the lord mayor aldermen and citizens of the city of Nottingham and county of the same city to run trolley vehicles on existing and authorised tramway routes and on further routes within the city and to abandon and discontinue tramways and for other purposes. (*Nottingham Corporation.*)

cxv. An Act to confer further powers upon the rural district council of Epsom for the regulation and control of the development of building estates and the laying out of new streets and in regard to buildings sewers and drains and for other purposes. (*Epsom Rural District Council.*)

cxvi. An Act to confer further powers upon the rural district council of Guildford for the regulation and control of the development of building estates and the laying out of new streets and in regard to buildings sewers and drains and for other purposes. (*Guildford Rural District Council.*)

cxvii. An Act to empower the mayor aldermen and burgesses of the borough of Stockton-on-Tees to construct street works and railways and for other purposes. (*Stockton-on-Tees Corporation (Works).*)

cxviii. An Act to confer further powers upon the Royal Exchange Assurance. (*Royal Exchange Assurance.*)

cxix. An Act to increase the number of the wards of the city of Leeds to empower the lord mayor aldermen and citizens of that city to construct street improvements and tramways and to make further provision in regard to the several undertakings of the said lord mayor aldermen and citizens and for the health local government and improvement of the city and for other purposes. (*Leeds Corporation.*)

cxx. An Act to extend the boundary of the borough of West Bromwich to empower the mayor aldermen and burgesses of the borough to purchase tramways outside the borough to acquire lands to make further provision with regard to their tramway and omnibus undertakings and the health local government and improvement of the borough and for other purposes. (*West Bromwich Corporation.*)

cxxi. An Act to extend the boundaries of the borough of Darlington to empower the corporation of Darlington to construct a weir across the river Tees and street improvements to confer further powers upon them with regard to their water electricity and markets undertakings and the health local government and improvement of the borough and for other purposes. (*Darlington Corporation.*)

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ROYAL ASSENT, 1st August, 1930.

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clvii. An Act to authorise the Shoreham Harbour Trustees to construct works to increase their borrowing powers and for other purposes. (*Shoreham Harbour.*)

clviii. An Act to consolidate the enactments relating to streets and buildings in London. (*London Building.*)

clix. An Act to confer further powers upon the London County Council and upon the corporation of the city of London and metropolitan borough councils to amend the Acts relating to the establishment of superannuation funds by the councils of certain metropolitan boroughs and for other purposes. (*London County Council* (*General Powers*).)

clx. An Act to provide for the transfer to the County Council of the administrative county of Southampton of the undertaking of the Company of Proprietors of Bursledon Bridge and Roads and for other purposes. (*Southampton County Council* (*Bursledon Bridge*).)

clxi. An Act to confer further powers upon the London and North Eastern Railway Company to revive the powers and extend the time for the compulsory purchase of certain lands to abandon certain works to make provision with reference to the rates and charges which may be levied at certain harbours docks and piers of the Company and for other purposes. (*London and North Eastern Railway* (*General Powers*).)

clxii. An Act to empower the lord mayor aldermen and citizens of the city of Manchester to construct street improvements and for other purposes. (*Manchester Corporation* (*Improvements*).)

clxiii. An Act to provide for amalgamation of the undertakings of the Dinnington and District Gas Company Limited the Staveley Gas Light and Coke Company Limited the Whitwell and District Gas Company the Bawtry and District Gas Company the Beighton and District Gas Company Limited and the Maltby and Bramley Gas Company Limited to incorporate and confer powers on the South Yorkshire and Derbyshire Gas Company and vest in that Company the amalgamated undertakings and for other purposes. (*South Yorkshire and Derbyshire Gas.*)

clxiv. An Act to authorise the Ascot District Gas and Electricity Company to raise additional capital and for other purposes. (*Ascot District Gas and Electricity.*)

clxv. An Act to consolidate and convert the capital of the Brixham Gas Company to authorise the Company to raise additional capital to change the name of the Company and for other purposes. (*Brixham Gas and Electricity.*)

clxvi. An Act to confer further powers upon the Middlesex County Council in reference to the completion of the North Circular Road the acquisition of the Duke of Northumberland's River and other matters to enlarge the powers of the local authorities in the county and to make further provision for the health local government and improvement of the said county and for other purposes. (*Middlesex County Council.*)

clxvii. An Act to make provision in relation to rates dues and charges at the harbours docks and piers of the London Midland and Scottish Railway Company and for other purposes. (*London Midland and Scottish Railway* (*No.* 2).)

clxviii. An Act to empower the Southern Railway Company to construct works and acquire lands to extend the time for the completion of certain works and the compulsory purchase of certain lands to make provision with reference to the rates and charges which may be levied at certain harbours of the Company and for other purposes. (*Southern Railway.*)

clxix. An Act to empower the mayor aldermen and burgesses of the county borough of Stockport to construct new reservoirs and other works in connection with their water undertaking to construct a new road in the said borough to acquire lands and for other purposes. (*Stockport Corporation.*)

clxx. An Act to extend the boundaries of the borough of Walsall to empower the mayor aldermen and burgesses of the borough to purchase and discontinue certain tramways in the borough of Wednesbury and the urban district of Darlaston connected with the tramways of the Walsall Corporation and to run omnibuses in substitution for the tramway services to make other provision with regard to the omnibus undertaking of the Corporation to authorise the purchase of lands for various purposes to make further provision with regard to the health local government and improvement of the borough and for other purposes. (*Walsall Corporation.*)

clxxi. An Act to provide for the transfer of the undertaking and powers of the Falmouth Waterworks Company to the mayor aldermen and burgesses of the borough of Falmouth to authorise the said mayor aldermen and burgesses to supply water in and in the neighbourhood of their borough and for other purposes. (*Falmouth Corporation Water.*)

clxxii. An Act to empower the mayor aldermen and burgesses of the borough of Stockton-on-Tees to discontinue tramways and to authorise the mayor aldermen and burgesses of the borough of Middlesbrough also to discontinue tramways and to enable the two Corporations to run omnibuses between Norton in the borough of Stockton-on-Tees and North Ormesby Road in the borough of Middlesbrough to confer further powers on the Stockton-on-Tees Corporation with regard to streets and buildings and the health and good government of their borough and for other purposes. (*Stockton-on-Tees Corporation (General Powers).*)

clxxiii. An Act to extend the boundaries of the city of Manchester and for purposes incidental thereto. (*Manchester Extension.*)

clxxiv. An Act to empower the lord mayor aldermen and citizens of the city of Cardiff to construct waterworks and execute street improvements and to acquire lands for those and other purposes to confer upon them further powers with reference to their water tramway and omnibus undertakings to make further provision for the improvement health and good government of the city and for other purposes. (*Cardiff Corporation.*)

clxxv. An Act to authorise the lord mayor aldermen and citizens of the city and county of Kingston upon Hull to construct street improvements and waterworks and to make further provision for the health local government and improvement of the city and for other purposes. (*Kingston upon Hull Corporation.*)

clxxvi. An Act to empower the mayor aldermen and burgesses of the county borough of Rotherham to construct street improvements to confer further powers upon them with regard to their tramway trolley vehicle omnibus electricity and water undertakings to make further provision with regard to the health local government and improvement of the borough and for other purposes. (*Rotherham Corporation.*)

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clxxix. An Act to authorise the sale to the Postmaster-General of part of the site of the Bristol Cattle Market to provide for the vesting in the lord mayor aldermen and burgesses of the city of Bristol of the remainder of the said site and the Wool Hall in the said city and for other purposes. (*Bristol Cattle Market.*)

clxxx. An Act to extend the boundaries of the city of Bristol to alter the limits of the port and harbour of Bristol to make further provision for the improvement health and good government of the city and for other purposes. (*Bristol Corporation* (*No.* 2).)

clxxxi. An Act to extend the boundaries of the borough of Bournemouth to empower the mayor aldermen and burgesses of the borough to provide a separate police force to run trolley vehicles and omnibuses within and beyond the borough and to abandon and discontinue the tramways of the Corporation to make further provision with regard to the health local government and improvement of the borough and for other purposes. (*Bournemouth Corporation.*)

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cxciv. An Act to authorise the mayor aldermen and burgesses of the county borough of West Ham to execute street works and to acquire lands and for other purposes. (*West Ham Corporation.*)

PRIVATE ACT.

Printed by the King's Printer, whereof the Printed Copies may be given in Evidence.

20 & 21 Geo. 5.

Royal Assent, 1st August, 1930.

1. An Act to vary the powers of the Trustees under the trust disposition and settlement and codicils of the most Noble John Douglas Sutherland Campbell Ninth Duke of Argyll Knight of the most Ancient and most Noble Order of the Thistle by giving authority to the said Trustees to sell the trust estate or any part thereof and to provide for the application of the proceeds of such sale and for other purposes. (*Argyll Trust Estate.*)

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OF

20 & 21 Geo. 5.—A.D. 1929–30.

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